

By Mr. McCALL: Petition of citizens of Waltham, Mass., for National Government forest reservations—to the Committee on Agriculture.

By Mr. McNARY: Petition of A. E. Yoell, of the Japanese and Korean Exclusion League, for the Chinese law as it is—to the Committee on Foreign Affairs.

Also, petition of the International Association of Master House Painters and Decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MARTIN: Petition of citizens of Bridgewater, S. Dak., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOUSER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. NORRIS: Petition of the Nebraska Cement Users' Association, for continued experiments by the Geological Survey, relative to structural materials—to the Committee on Appropriations.

Also, petition of the International Association of Master House Painters and Decorators of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of ladies of Carlisle, Pa., for forest reservations in the White Mountains and the Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of ladies of Carlisle, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of ladies of Carlisle, Pa., for preservation of the forests of Minnesota—to the Committee on Agriculture.

Also, petition of Group No. 5, Pennsylvania Bankers' Association, of Harrisburg, Pa., for bill H. R. 8972—to the Committee on Banking and Currency.

Also, petition of school-teachers of Harrisburg, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. SAMUEL: Petition of Ed. Roth, of Shamokin, Pa., against bill H. R. 12973 (the Chinese-exclusion law)—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Petition of T. H. Jenkins et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SHARTEL: Petition of citizens of Missouri, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Missouri, for the Senate amendment to the statehood bill for Oklahoma and Indian Territory—to the Committee on the Territories.

Also, petition of citizens of Missouri, against Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Missouri, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SLAYDEN: Petition of public school teachers of San Antonio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Texas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of the Christian Church at Campbellsville, Ky.—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: Petition of citizens of Oklahoma, for statehood—to the Committee on the Territories.

Also, petition of citizens of Flushing and Bellville, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Michigan, for an experimental parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. STEVENS of Minnesota: Petition of the New York Clearing House, for an amendment to bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of citizens of Minnesota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. TOWNSEND: Petition of Typographical Union No. 154, of Ann Arbor, Mich., for the Gilbert bill—to the Committee on the Judiciary.

Also, petition of the State Normal School of Michigan, for an appropriation to support the department of elementary agriculture in State normal schools in the United States—to the Committee on Agriculture.

Also, petition of Grange No. 280, of Morenci, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of Ellsworth Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Ellen Ramsey—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, March 22, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

NAVIGATION OF WATER CRAFT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting drafts of three bills to amend each of the three general "collision laws" affecting the navigation of water craft upon waters within the United States, so as to bring within the scope of these several laws rafts navigating in tow, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PATENTS FOR ALLOTTED LAND IN OKLAHOMA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th ultimo, a letter from the Commissioner of Indian Affairs, submitting schedules of copies of all correspondence in the case of the Kickapoos and Martin J. Bentley, ex-special United States agent in charge of the Kicking Mexican Kickapoo Indians; which, with the accompanying papers, was referred to the Committee on Indian Affairs.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary T. Sweeting, heir at law of John Joins, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Presbyterian Church of Marshall, Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Cumberland Presbyterian Church, of Clarksville, Tenn., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Mount Zion Methodist Episcopal Church (colored), of Middletown, Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Fredericksburg Baptist Church, of Fredericksburg, Va., *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DRYDEN presented the petition of E. H. Parvin, of Newfield, N. J., and the petition of Charles B. Gould, of Caldwell, N. J., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of the Woman's Club of Westfield, of the Cosmos Club of Elizabeth, of the Reading Club of Woodbury, of the Travelers' Club of Newark, and of the Woman's

Club of Orange, all in the State of New Jersey, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the American Saw Mill Machinery Company, of Hackettstown, N. J., and a petition of the Atha Tool Company, of Newark, N. J., praying for the passage of the so-called "Williams-Mallory bill," relating to quarantine regulations of the Gulf ports; which were referred to the Committee on Public Health and National Quarantine.

Mr. NELSON presented a petition of the National Brotherhood of Railroad Trainmen, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. PLATT presented a memorial of the Woman's Christian Temperance Union of Greenwich, N. Y., and a memorial of the congregation of the Methodist Episcopal Church of Clifton Springs, N. Y., remonstrating against the repeal of the present anticaniteen law; which were referred to the Committee on Military Affairs.

Mr. SPOONER presented a petition of sundry citizens of Barron County, Wis., praying for the removal of the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Janesville, New Glarus, Wilmot, Mayville, St. Cloud, Racine, Milwaukee, Greenwood, Columbus, Sheboygan, and Kenosha, all in the State of Wisconsin, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FLINT presented a petition of the Board of Trade of Corona, Cal., praying for the adoption of an amendment to the so-called "Hepburn railroad rate bill," granting authority to the shipper to route his fruit; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Methodist Preachers' Association, of Los Angeles, Cal., and a petition of the Presbyterian Ministerial Association, of Los Angeles, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of San Diego, Cal., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the San Francisco Labor Council, of San Francisco, Cal., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of the New Century Club, of Manchester, N. H., and a petition of the Woman's Club, of Berlin, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the Consumers' League of Maryland, of Baltimore, Md., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of T. W. Tyrer, of Washington, D. C., remonstrating against the enactment of legislation providing for the purchase of land as an addition to Rock Creek Park; which was referred to the Committee on the District of Columbia.

Mr. KITTREDGE presented a petition of the Federation of Women's Clubs, of Flandreau, S. Dak., praying for an investigation into the industrial conditions of the women of the country; which was referred to the Committee on Education and Labor.

Mr. KEAN presented the memorial of Grover C. Traynor, of Westfield, N. J., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Trenton Lodge No. 38, Brotherhood of Railroad Trainmen, of Trenton, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Cosmos Club of Elizabeth, N. J., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the J. C. Smith & Wallace Company, of Newark, N. J., praying for the enactment of legislation relating to the issuing by common carriers of bills of

lading; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Society for Organized Charity of Salem, N. J., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. RAYNER (for Mr. GORMAN) presented sundry papers to accompany the bill (S. 5093) granting an increase of pension to Josiah F. Staubs; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 5094) granting an increase of pension to Samuel F. Baublitz; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4982) relating to the sale of poultry in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 4967) to establish additional aids to navigation in Delaware Bay and River, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 5026) providing for the construction and equipment of a first-class life-saving ocean-going tug, also a launch tender to be used in connection therewith, for service on the north Pacific coast of the United States, reported it with amendments, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 4245) for the relief of George T. Larkin, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 4628) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5110) to remove the charge of desertion from the military record of Henry Mitchelson and to grant him an honorable discharge, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. MILLARD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2350) providing for the erection of a public building at the city of Plattsmouth, Nebr., and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Montana, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. 8461) to amend chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 9 of chapter 1479, Revised Statutes of the United States; which was ordered to lie on the table, and be printed.

PURCHASES BY ISTHMIAN CANAL COMMISSION.

Mr. MILLARD, from the Committee on Inter-oceanic Canals, reported the following resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That a tabulated statement prepared by the auditor of the Isthmian Canal Commission, entitled "Statement showing orders issued by the Isthmian Canal Commission for purchases involving \$1,000 or more, November 1, 1905, to March 7, 1906," be printed as a Senate document, in pursuance of a motion adopted by the Committee on Inter-oceanic Canals, and that this resolution be referred to the Senate Committee on Printing.

SHOSHONE OR WIND RIVER INDIAN RESERVATION IN WYOMING.

Mr. HANSBROUGH. From the Committee on Public Lands I report back without amendment the joint resolution (H. J. Res. 117) extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming. I ask for its present consideration, as it is an emergency measure.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It extends the time for opening to public entry the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming to the 15th day of August, 1906, unless the President shall determine that the same may be opened at an earlier date.

The joint resolution was reported to the Senate without

amendment, ordered to a third reading, read the third time, and passed.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the joint resolution (S. R. 42) extending the time for opening to public entry the unlotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming, to report it back adversely, and move its indefinite postponement.

The motion was agreed to.

SURVEY OF THE OHIO RIVER NEAR CINCINNATI.

Mr. ELKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5035) authorizing a survey of the Ohio River at Cincinnati, Ohio, for the purpose of establishing an ice harbor, to report it back adversely, and in lieu thereof to report a concurrent resolution which is supposed to be in better form. I will ask the indefinite postponement of the bill, and as the concurrent resolution is only four lines long, I will ask for its immediate consideration.

The VICE-PRESIDENT. Without objection, the bill will be indefinitely postponed. The concurrent resolution will be read.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause to be made a survey and examination of the Ohio River at or near Cincinnati, Ohio, for the purpose of establishing a suitable ice harbor.

BILLS INTRODUCED.

Mr. TILLMAN introduced a bill (S. 5251) granting an increase of pension to William Woods; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5252) to renew and extend certain letters patent; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 5253) granting an increase of pension to Isaac B. Doolittle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 5254) for the relief of Nathaniel R. Carson and William C. Carson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DILLINGHAM introduced a bill (S. 5255) granting an increase of pension to John D. Cutler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 5256) granting an increase of pension to John Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 5257) granting an increase of pension to Marvin Chandler; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5258) to provide for the erection of a public building at Albuquerque, Territory of New Mexico; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5259) making an appropriation of \$20,000 to construct an additional building to the Indian school at Santa Fe, N. Mex.; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5260) to provide for an additional associate justice of the supreme court of the Territory of New Mexico; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WETMORE introduced a bill (S. 5261) granting an increase of pension to Stephen A. Barker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5262) granting an increase of pension to Frank N. Nichols; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 5263) authorizing the appointment of Francis M. McCallum, contract surgeon, United States Army, as a captain and assistant surgeon on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5264) for the relief of George Taylor, administrator of the estate of Elizabeth Taylor, deceased;
A bill (S. 5265) for the relief of C. B. Kinnett;
A bill (S. 5266) for the relief of Frank W. Clark;

A bill (S. 5267) for the relief of the estate of Solomon Jones, deceased;

A bill (S. 5268) for the relief of the estate of R. W. Hawkins, deceased;

A bill (S. 5269) for the relief of Elizabeth Neal;

A bill (S. 5270) for the relief of Ellenor Gibson Whitney;

A bill (S. 5271) for the relief of William G. Hayden;

A bill (S. 5272) for the relief of George W. Vermillion;

A bill (S. 5273) for the relief of the estate of Mary Rendy Cammack, deceased;

A bill (S. 5274) for the relief of the estate of John H. Seebold, deceased;

A bill (S. 5275) for relief of the estate of Samuel W. Venable;

A bill (S. 5276) for the relief of Rudolph Minton;

A bill (S. 5277) for the relief of the estate of T. J. Pritchett, deceased;

A bill (S. 5278) for the relief of the estate of T. S. Grider, deceased;

A bill (S. 5279) for the relief of Cash Claxon;

A bill (S. 5280) for the relief of the estate of M. G. Horton, deceased;

A bill (S. 5281) for the relief of the estate of William Peach, deceased; and

A bill (S. 5282) for the relief of the estate of M. G. Crossfield, deceased.

Mr. FULTON introduced a bill (S. 5283) for the relief of John T. Rennie; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Civil Service and Retrenchment:

A bill (S. 5284) for the retirement of employees in the classified civil service without cost to the Government; and

A bill (S. 5285) to improve the civil service by providing for the retirement of aged, infirm, or otherwise incapacitated employees of the classified civil service of the United States.

Mr. CLAY introduced a bill (S. 5286) for the relief of Mrs. Mary Lloyd; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 5287) granting an increase of pension to John M. Prentiss; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 5288) appropriating \$5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

Mr. FORAKER introduced a bill (S. 5289) to acquire certain ground in Hall and Elvan's subdivision of Meridian Hill for a Government reservation; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5290) granting an increase of pension to James Ramsey;

A bill (S. 5291) granting an increase of pension to E. A. Smith; and

A bill (S. 5292) granting an increase of pension to Michael J. Sprinkle.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. PILES (for Mr. ANKENY) submitted an amendment authorizing the Secretary of the Interior to sell and convey by patent in fee to the Big Bend Transit Company not to exceed 350 acres of land on the Spokane Indian Reservation, State of Washington, for town-site and terminal purposes, etc., intended to be proposed by Mr. ANKENY to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

M. E. THOMAS.

Mr. LODGE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to M. E. Thomas the sum of \$400 (for indexing hearings had before the Committee on Philippines on H. R. 3) from the appropriation for the expenses of special and select committees of the contingent fund of the Senate.

ENGAGEMENT AT MOUNT DAJO, ISLAND OF JOLO.

Mr. CULBERSON. Mr. President, I desire to offer a Senate resolution, but before doing so I ask the Senate to indulge me a moment in explanation of it.

A few days ago the Senate adopted a resolution directing the

Secretary of War to send to the Senate copies of all official reports and communications between the War Department and officials of the United States in the Philippines, respecting the recent attack by American troops on Mount Dajo. That report has been received. Apparently, though I am not sure about it, there are some omissions. For instance, on page 1 of the report the Secretary uses this language:

Following condensed from Maj. Gen. Leonard Wood.

Apparently indicating that the War Department has condensed the report from General Wood, whereas the resolution called for copies of all reports. So on page 3 of the report there is manifestly an omission from the report made by General Wood in answer to the Military Secretary, shown by stars in the published report we have received.

I therefore offer a resolution broader than the one adopted the other day directing the Secretary of War to send to the Senate full copies of all reports and all other communications which have passed to this date between the officials in the United States and any such officials in the Philippine Islands. The purpose of broadening the resolution is twofold: First, to secure full copies of the reports, which have been made here apparently in a condensed form, and, second, to secure copies of any communications which may have been made by the President of the United States with reference to this matter and subsequent reports which may have been submitted by General Wood. For instance, I noticed in the press a few days ago that General Wood has latterly denied that any women and children were killed, or has certainly denied that all of them were killed. I think it is important, in the interest of truth, if that should be the fact, that we shall have that information here.

My purpose in introducing the resolution is to get all the facts upon this subject within the control of the Government of the United States, so that if the Senate desires to take any action with reference to this matter, it may be done upon full information so far as we have it to this date. I therefore offer the resolution I send to the desk and ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read for the information of the Senate.

The resolution was read, as follows:

Resolved, That the Secretary of War is hereby directed to send to the Senate full copies of all reports and all other communications which have passed to this date between the officials of the United States in the United States and any such officials in the Philippine Islands respecting the recent attack by troops of the United States on Mount Dajo.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. LODGE. I ask that it may go over until to-morrow.

The VICE-PRESIDENT. There being objection, the resolution will lie over until to-morrow.

PROPOSED ISLE OF PINES INVESTIGATION.

Mr. MORGAN. Mr. President, I offer a resolution, and in connection with it and in support of it three affidavits, and also an extract from the Daily Telegraph, published in Habana, Cuba, March 13, 1906. I ask that the resolution be read and that the affidavits and this extract be printed in connection with it and go over for consideration until to-morrow.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That a committee of seven Senators be appointed by the Chair, with instructions to make diligent and careful examination into the condition of the people of the Isle of Pines before and since the enactment of the law known as the "Platt amendment" to the Army appropriation bill, approved the 2d day of March, 1901, and up to the time of the execution of this order and their report thereon.

Such inquiry shall include the form of the so-called "government de facto" in said island, its officers, and by whom appointed, and the manner in which such government has been conducted by those who claim or have claimed to be in authority there since the Army of the United States was withdrawn from the Island of Cuba and the government of that island was turned over to the Congress and people of Cuba.

The committee shall inquire and report whether under such government in the Isle of Pines any official abuses or oppressions have occurred with reference to the people of that island affecting their liberties, their persons, or their schools, their churches, their sepulchres, their taxation, their employment or vocation, their property of any description, the registry of their land titles or wills or other conveyances, their intercourse and trade on the island, or with other ports or places, or with shipping engaged in the trade of the island.

They will inquire and report in respect of any alleged judicial proceedings, civil or criminal, conducted or entertained by any judge, magistrate, or alcalde acting under the laws of Cuba, against any of the inhabitants of the Isle of Pines, resulting in their imprisonment or amercement in fines or forfeitures, and of the places at which such trials were had, and as to the removal of such defendants, by force or compulsion, to any place in the island of Cuba to answer such accusations or prosecutions. And also whether the alleged judicial officers so employed in such proceedings were appointed by the Government of Cuba or of any department thereof.

Said committee will further inquire and report as to the number of American citizens that were residing in the Isle of Pines at the time when the Government of Cuba was turned over to the Congress and people of the Republic of Cuba and before that time, and when the immigration of such citizens into said island first begun.

They will further ascertain and report as to the progress of such immigration, and the classes of people who settled in the island as seekers and builders of permanent homes or places of residence, and the number of such citizens who now reside in the Isle of Pines as permanent settlers; and also what increase or decrease of population and of what citizenship, respectively, has taken place in that island since the evacuation of Cuba by the Army of the United States.

The committee will also examine into the condition of the island as to agriculture, fruit growing, and the extent to which the immigrants from the United States are landowners and cultivators, and whether their crops, orchards, and farm productions, such as cattle, hogs, and poultry, are becoming productive and prosperous.

They will also give descriptions of the topography of the island, its waters and water courses, and its coasts, bays, inlets, and harbors, with reference to navigation; and its roads and bridges and by whom constructed and paid for; its forests and their value; the healthfulness of the island, and the character and conduct of the citizens of the United States who reside there, and, generally, any facts that will inform the Senate as to all material facts concerning the duty of the Government toward the safeguarding, protection, and regulation and control of its citizens who inhabit the Isle of Pines.

2. Said committee is empowered to visit the Isle of Pines, or to designate a subcommittee to visit the same, and to send for persons and papers. Oaths to witnesses may be administered by any member of the committee or subcommittee.

3. The committee is empowered to appoint a secretary, a stenographer, a typewriter, and a sergeant-at-arms, and to pay them their compensation at the rate prescribed by law.

The necessary allowances for travel and board of the committee and its officers and for attendance and the mileage and attendance of witnesses shall be paid on proper vouchers approved by the chairman of the committee, out of the contingent fund of the Senate.

The committee may sit during the sessions of the Senate or during its vacations and at any place in the United States or in the Isle of Pines.

The VICE-PRESIDENT. The resolution will be printed and lie over.

Mr. FORAKER. I ask that it be printed and go over until to-morrow.

The VICE-PRESIDENT. That was the request the Senator from Alabama made. Did the Chair understand the Senator from Alabama to request that the affidavits accompanying the resolution should be printed as a document?

Mr. MORGAN. Printed as a part of and in support of the resolution.

The VICE-PRESIDENT. As a public document?

Mr. MORGAN. I do not care about its being a document for general circulation. I want it for the information of the Senate.

Mr. ALLISON. That will be a public document.

Mr. MORGAN. That will be a public document, I understand.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. MORGAN. And in connection with it an extract from the Daily Telegraph of Tuesday, March 13, 1906, published at Habana.

Mr. FORAKER. I did not hear what the Senator from Alabama said.

The VICE-PRESIDENT. The Senator from Alabama requests that there be printed in connection with the resolution an article appearing in the Daily Telegraph of Tuesday, March 13, 1906, published at Habana, Cuba.

Mr. FORAKER. I request that there be published in connection with the resolution an article which appeared in the New York Sun Monday, March 5, 1906, which I send to the desk.

The VICE-PRESIDENT. Does the Senator from Ohio desire that the article he has just sent to the desk be printed in connection with the public document ordered to be printed at the request of the Senator from Alabama?

Mr. FORAKER. Immediately following the article that is to be published at the request of the Senator from Alabama. If newspaper articles are to cut any figure in this matter, we can fill the RECORD full of them. This is only a specimen of a hundred I could send to the desk.

Mr. MORGAN. The Senator, who is probably opposed to the resolution, when it comes up could either undertake to meet it by offering testimony in contradiction of it or in support of his position. But the Senator can have his sweet way about it. I have no objection.

I will offer in this same connection a letter from Mr. Fries, a very distinguished attorney of Cincinnati, and ask that it be also printed in connection with the resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama?

Mr. FORAKER. That is a letter from Mr. Fries. Has the Senator one from the chief justice of the Republic of the Isle of Pines, who also resides at Cincinnati when he is at his home?

Mr. MORGAN. We will not discuss letters here this morning, if the Senator will excuse me.

Mr. FORAKER. I shall be very glad to discuss them this morning or at any other time. I sent the newspaper article to the desk only to illustrate in a practical way that what appears in one newspaper may be easily offset by what appears in another newspaper. I apprehend that when we determine this very important matter it will not be determined upon what somebody has seen fit to cause to be published in newspapers, but upon information that we obtain in a proper way and which we know is reliable. Every day there is something appearing in the newspapers that might be quoted first on one side and then on the other. My only purpose was to show that there are two sides in the newspapers to this controversy.

Mr. MORGAN. I offered what I have sent to the desk—the three affidavits and the newspaper extract—for the purpose of supporting my resolution. The Senator from Ohio has seen proper to offer something that I suppose he thinks is against the resolution. It is a very unusual proceeding, sir. I merely ask that the papers be printed in connection with the resolution.

Mr. FORAKER. And I merely ask that my newspaper article be printed along with the rest of them.

Mr. MORGAN. That is all right. I consent to that, and anything else the Senator wants to put in.

There being no objection, the matter was ordered to be printed as a document, and to be printed in the RECORD, as follows:

NUEVA GERONA, ISLE OF PINES, W. I.,
March 1, 1906.

Maj. J. E. RUNCIE,
Habana 55, Habana, Cuba.

DEAR SIR: We, the undersigned committee, were appointed at a mass meeting of the American residents of the island to confer with you in regard to the case of A. E. Moerke, of Columbia, Isle of Pines. We inclose herewith his letter to the American minister, dated February 22, which was sent to him by the boat on that date, and as yet he is without an answer. The authorities here have been feeling around offering some sort of a compromise to Moerke, but he prefers to take his medicine until the minister replies to his request for a release.

At the mass meeting held here to-day many thought it best to seek his release, hence this committee was appointed to confer with legal advice and be guided by that advice. This committee has procured all the additional facts possible, and submit them below:

On Wednesday morning, February 21, five rural guards came to Mr. Moerke's place of business and demanded \$100 cash bond, or they would arrest him and take him to Nueva Gerona. Mr. Moerke refused to put up the cash bond, and also explained to the guard that this being mail day that his duties as postmaster required him to be on hand upon the arrival of the boat and transport the mail from the dock to the post-office at Columbia, of which he is postmaster. Thereupon they arrested him, but promised to let him return in time to permit him to attend to the mail. After arrival at Nueva Gerona, instead of taking him before the judge, he was taken to the Cuban jail under the pretense of reporting to the captain of the guard, and he was thereupon locked up, and was not taken before the judge until 2 o'clock p. m. of same day. The first and only question asked him by the judge was: "Do you recognize my authority as judge of the Isle of Pines?" To which Mr. Moerke replied: "Under the circumstances and the present status of the Isle of Pines, I do not consider that you have any legal authority on this island." Whereupon the judge became furious, and stated that he would fine him \$100 and fifty days in jail; that he would teach the Americans to acknowledge his authority; but after cooling down somewhat he changed the fine to \$50 cash or fifty days in jail, and asked Mr. Moerke which he would accept. Mr. Moerke replied that he would not pay the fine, and at the judge's order he was incarcerated in the Cuban prison. During all of these proceedings nothing was said to him to indicate why he had been arrested or why he was fined for contempt of court other than for the language above quoted.

The second day after his incarceration six rural guards, by order of the judge, went to Mr. Moerke's place of business at Columbia, and, as Mrs. Moerke was there alone, she refused them admittance. The neighbors came to see what was being done and witnessed the guards with guns cocked force themselves into the store department of the building, and removed all merchandise therefrom, and not being satisfied with the amount found therein, demanded entrance into the living departments of the same building, which was refused by Mrs. Moerke, she stating to the guards that the door she was guarding was the door to the post-office, through which they had to pass to reach their living rooms. In spite of refusal and information, they persisted, with their weapons again cocked, forced their way into the post-office and living rooms, carrying off, among other effects, a sewing machine, being the personal property of Mrs. Moerke, notwithstanding the fact that they were shown the evidence that same was her property. This seizure was made without due process of law and while Mr. Moerke was illegally detained in jail.

Mr. Moerke telegraphed to the Postmaster-General that he was prevented from his official duties as postmaster and referred the Postmaster-General to the Postal Code, article No. 31, requesting him to advise, since which he has nothing from him. These are the facts presented for your consideration and advice as to what procedure is necessary to bring about the best results for the cause for which we are all working, Mr. Moerke being willing to do whatever is necessary.

Yours, respectfully,

JAS. M. STEERE,
CHARLES REYNARD,
R. P. EWING,
Committee.

The above letter, written by a committee, of which I was chairman, appointed to investigate the arrest and imprisonment of Postmaster Moerke, of the Columbia post-office, to Major Runcie, of Habana, for the purpose of obtaining legal advice upon the subject, contains the truth concerning all the circumstances as we ascertained them to be after an impartial investigation.

JAS. M. STEERE.

DISTRICT OF COLUMBIA,
Washington, D. C., ss:

Personally appeared before me, James M. Steere, of the Isle of Pines, who, first being duly sworn, deposes and says that the above letter and his statement following are true in all essential facts, according to the best of his personal knowledge and belief.

[SEAL.]

BENJ. VAIL, Notary Public.

IN JAIL, NUEVA GERONA, ISLE OF PINES, W. I.,
February 22, 1906.

Hon. Mr. MORGAN,
United States Minister to Cuba, Habana, Cuba.

DEAR SIR: As a law-abiding citizen of the United States I hereby appeal to you to take the necessary steps in my behalf in having me released from this Cuban prison. I was placed here by a Cuban judge under the charge of contempt of court, my sentence being a fine of \$50 or fifty days in jail.

The facts which have led up to this state of affairs I will briefly state, as follows: I came here from the State of Iowa, and located at Columbia, Isle of Pines, upon the assurances of the War Department that this was and would remain American territory. Have opened a small store, selling a stock of general merchandise, and have paid the tax or license, which is very heavy, up to the 1st of last July, but when the Cuban Government added to my license 30 per cent for the purpose of paying off the bonds issued for the payment of their Cuban soldiers I refused to pay any part of same, as my understanding is that General Wood had a distinct understanding with the Cuban Government that the Isle of Pines would remain as a de facto government until the United States took charge of same. In fact, I maintain that under the Platt amendment and under the Cuban constitution they have no rights on this island. They have tried in many ways to make me pay what I firmly believe I have no right to pay and what I believe they have no right to make me pay.

My place of business is 6 or 7 miles from this place, and last Monday I was summoned to appear before the judge here. I came at the appointed hour and waited some time to see the judge, but could not get any satisfaction as to the time he would see me, and as I had important business to attend to at home, being the postmaster at that point for the Cuban Government, hence an officer of that Government, I could not wait longer, and went back to my home and business. The next morning the rural guards arrested me and brought me to this place and placed me in jail to await the pleasure of the judge. At 2 o'clock I was taken through the streets of this town to the court and was sentenced without a trial to a fine of \$50 or fifty days in jail.

If you have ever visited a Cuban jail or even seen their "bill of fare," you will know what I am suffering, to say nothing of the humiliation of being obliged to submit to such punishment from such a source, especially when I know they have no rights that entitle them to inflict this punishment on an American citizen. Had I committed any criminal act there might be some excuse for my incarceration, but simply because I could not wait all day for his pleasure to see me he inflicts this unheard-of fine. Had he sent again for me and stated the time he would see me I would have accommodated him, even at considerable inconvenience to me. In fact, I have never been informed why I was summoned, and can only surmise it related to my nonpayment of their demand for license. They have never expended a cent for the benefit of this island, and many owners of vehicles are refusing to pay taxes on their vehicles until the Cuban Government does something for the betterment of the roads and bridges.

I trust that you will make or cause to be made an investigation of my case at your earliest possible moment, before any more of my fellow-citizens are subject to such outrageous treatment.

Yours, very respectfully,

A. E. MOERKE.

WASHINGTON, D. C., March 22, 1906.

To the Senate of the United States:

Your petitioner, James M. Steere, formerly a citizen of Texas, living in what he believes to be American territory, is constrained to apply to your honorable body for such relief as may be in your power to grant. Your petitioner has lived with his family in the Isle of Pines, which he was led to regard as American territory through the representations made by officials of the War and other Departments of the United States Government for a period of the year passed. Prior to that time, although now 61 years of age, he has never been summoned to any court or been under arrest for any criminal act. He served honorably and with distinction as a Union soldier in the civil war. He was discharged in 1862 under a surgeon's certificate of disability, but was reenlisted in 1864 after partial recovery as regimental commissary-sergeant on the understanding that his physical condition would permit him to do clerical work. He then served to the end of the civil war. He has been entitled to a pension for the past forty years, but never even made an application for the same, not wishing to become a pensioner as long as he was able to earn his own living.

Since the war time he has held many responsible and honorable positions, filling at one time or another the positions of secretary and treasurer of the Missouri Iron Works, of St. Louis; agent of the Canada Southern Fast Freight Line for nine consecutive years, and assistant general freight agent of the Gulf, Colorado and Santa Fe Railway, a part of the system of the Atchison, Topeka and Santa Fe, for eight years. During the time that he was assistant general freight agent, he was appointed assistant adjutant-general of the Department of Texas, Grand Army of the Republic. He was the general agent for the Kansas and Texas Coal Company for Texas and Mexico. He was president of the Republican League Club of Dallas, Tex., for several years, and was the representative of the Sixth Congressional district on the Republican State central committee of Texas for several years. He was induced to go to the Isle of Pines on account of his health, mainly through the alluring description of the island sent out under the auspices of the War Department and the letters of that and other Departments sent out to the effect that the Isle of Pines of right was and would be continued as American territory.

Notwithstanding his unblemished character and services and his eminently peaceful and quiet demeanor at all times, he has been forced to abandon his home and property in the Isle of Pines and flee to the United States to escape a Cuban prison for no offense that would be recognized in any civilized country as worthy of even a jail sentence of a few days in duration. He has dutifully complied with all reasonable orders of the Cuban courts, but is now unwilling to serve a term of from three to six years in a Cuban prison at his advanced time

of life and in his present state of health on a charge of malversation of public property which he has turned over to the Isle of Pines court as ordered, and so far as he knows, is now in their possession. Such in the sentence he firmly and truly believes awaits him in Habana if he answers in person to the summons which he has received, and which he has been informed is simply the prologue to a severe penalty of imprisonment which has been determined on in advance of his trial. He truly believes that this persecution from the Cuban authorities is due mainly to his recent prominent part in the mass meetings of American citizens in the Isle of Pines held for the purpose of securing an American government in the island if possible. Following is a translation of the summons which warned him that he would have to flee the country or be imprisoned without cause:

"Señor JAMES A. STEERE (case No. 3906):

"By order of the judge you are cited to appear on the 28th of the present month before the second division of the first criminal court of the district of Havana, for the purpose of answering as defendant in open court in the case numbered on the margin, brought against you for the malversation of public property. You are advised to present yourself or give sufficient reason as to what prevents and show cause therefor.

"Nueva Gerona, March 6, 1906; given at 2 p. m.

"JOAQU. F. ALCAZAR, Clerk of the Court."

Statements which recently appeared in the Havana Telegraph of the date of March 13, a newspaper published in the city of Havana, were to the effect that the Cuban rural guard, in the Isle of Pines, had orders, seemingly from the Cuban secretary of state, to shoot down all Americans who offered the slightest resistance or provocation to the high-handed procedure of the Cuban authorities, or who should commit any act against Cuban sovereignty. On account of this and many other threats in La Lucha, another Cuban newspaper published in the same place, as well as on account of other statements by hot-headed Cubans, both in Cuba and on the Isle of Pines, many Americans are leaving the island, especially women and children, who are thus obliged to abandon their homes and their property.

A clear statement of the facts which lead up to the interference of the Habana courts in my case in the Isle of Pines may be had from the following letters written by me to Edward P. Ryan, at Washington, D. C., who was elected as a delegate to represent the Isle of Pines settlers at the capital of the United States:

NUEVA GERONA, ISLE OF PINES,

January 20, 1906.

Mr. ED. P. RYAN, Washington, D. C.

DEAR SIR: Since writing you last I have had a little case of Cuban justice, which I will truthfully explain below. The Palace Hotel, as you are aware, got into financial difficulty, and its creditors had to go into court to obtain their just dues. When judgment was obtained each creditor had the privilege of taking sufficient goods or articles as they thought would cover the amount claimed. These were seized by the court and removed from the hotel to a place of storage awaiting the time to elapse for a public sale.

One of Mr. Pearcy's houses was selected and a verbal agreement made with the court officers that the storage for each lot of goods taken from the hotel would be 50 cents per day. I was made the custodian of the goods for safe-keeping. There were two lots placed in the rooms at different dates by the court, and after the sale of the first lot the court demanded delivery, which I made. After which I asked for the rent due for the storage, amounting to \$10.50. The clerk of the court gave me to understand that it was all right and that I would get the money "mañana." This in English means "to-morrow," but it seems to have no meaning in the Cuban vernacular. The first lot was delivered on December 21, and when the court demanded the delivery of the second lot, January 15, the first bill for storage was still unpaid. Hence I refused to deliver the second lot until the agreement had been complied with regarding the first lot. I agreed, however, if the judge would promise me that the bills would be paid at some definite date, that I would deliver them, but as he would not give me any satisfaction I flatly refused to give up the goods. The municipal judge thereupon had me arrested and taken before the next higher court on a criminal charge of withholding goods belonging to the court.

This higher court, after going through a lot of irrelevant red tape, evidently to impress me with the dignity of the court, stated to me the charges, to wit, for withholding from the municipal court the goods of which it had placed me in custody. I replied that it was a fact and that I proposed to hold them until I could get some satisfaction for the rent incurred, for which I was held responsible. The judge stated that I could not hold the goods for that purpose. I then asked him if the municipal court was part of the Cuban Government. He replied "Yes." I then asked if the custom-house was also a part of the Cuban Government, eliciting the same reply. I then stated to him that it was impossible for us to get a single package from the custom-house warehouse, even though the same was in a dilapidated, leaky condition, without paying every cent of storage due on it. He said that was different, but still insisted that I could not hold these goods for the storage charges. He said, however, that if I would deliver them and then present my bill to the municipal court he would see that the bill was paid, and further stated that all proceedings in the present case would be stopped. To this I consented, and then delivered the goods in question. I presented the bill to the municipal judge and he would not receive it; hence I took it to the higher judge, and much to my amazement and chagrin he stated that I would have to look to the parties that instituted the suits against the hotel and not to the municipal court. What do you think of that for chicanery?

Well, yesterday I received another notice from this higher judge to appear at his office this morning at 9 o'clock or be subject to a fine. I went there and was told by the clerk that as these proceedings had been commenced it would be necessary for me to appear at his court every Monday morning until the case was disposed of in Habana. I expressed my surprise at this new phase of annoyance and humiliation after the distinct understanding of the day before that all proceedings would be dropped if I would give up the goods. But in order to assist them in disposing of the case I decided that I would consent to come to the court every Monday morning. To this agreement I had to sign my name. After this was done and I was preparing to leave the court room I was requested to sit down, and then the clerk stated that it will be necessary for me to give a \$100 bond in cash. I then saw the nigger in the wood pile, which was nothing more nor less than to get another whack at an American's money. This I refused to do, as I was not prepared to do so. He then stated that if I would declare that I had no property I could get two responsible residents to go on my bond. I told him that I had property and that I would let him know

later in the day whether I would or would not give bond. I thereupon consulted with some of the best citizens of the island, and they said that I had done enough, and advised me to so notify the judge and that they would stand by me to the last. I therefore went to the court prepared to tell the judge, and after waiting for half an hour I asked the clerk for permission to see the judge, as my office was locked up and I was anxious to get back. His reply was, in a most insulting tone, that if I could not wait to get out. There was no business before the judge at the time, and he could have seen me without any trouble; but they desire to make themselves very officious, especially to Americans. Such is the gratitude of the Cubans, for whom the Americans have done so much without appreciation. In fact, it seems to be the delight of Cubans to take all the advantage possible of the American population. I do not know what the result may be in this matter, but presume they will send me to jail for attempting to do my duty. But some day these Cubans will go a little too far, and there are now too many Americans on this island to fool with, and God pity them when that time comes.

Yours, truly,

JAMES M. STEERE.

[Letter No. 2.]

NUEVA GERONA, ISLE OF PINES,

January 21, 1906.

Mr. ED. P. RYAN,

308 East Capitol street, Washington, D. C.

DEAR SIR: Since writing you on the 20th instant I have been subjected to all kinds of persecution at the hands of the judge of the court of first instance. He has tried every way to get hold of some of my money, so that Cuba can keep her wheels greased. I have been obliged to put all my property out of my hands even to the necessary household goods, as I am informed that it is their intention to cause me all the annoyance possible on account of my connection with the movement to have the United States assume possession of their own property.

This is only a reflection of the position advocated by the honorable Secretary of State and it is bearing early fruit. The former judge, Delago, was bad enough for the Americans, still he did occasionally use a little judgment and ignored a few cases as too insignificant, hence he was removed, and another judge sent here for the distinct purpose of prosecuting Americans to the fullest extent possible under the peculiarities of Cuban-Spanish laws. This is evidenced by the Cuban paper La Lucha, which gave the new judge great credit in its last Sunday edition for his punishment to be inflicted on one of the so-called "new government officials" (meaning myself). This article was inspired before I was aware of any further proceedings growing out of my attempt to protect myself in the responsibility of collecting the rent for the goods held in storage for the municipal court. This is all the wrong that I have done, and as soon as the judge informed me that I could not hold the goods for the rent, as agreed to by the court that placed me in charge, I delivered them with the distinct understanding that he would assist me in collecting the rent due and would drop all these proceedings. After they recovered the goods by this ruse, proceedings have been continued and every effort made to make me give \$100 bond, for the sole purpose of tacking on all kinds of costs and taking it out of the deposit. I am now told to-day that the case is to be continued in Habana, thus compelling me to go to the expense and annoyance of going there and hiring a lawyer to plead my case.

It is, of course, useless to appeal to the American minister in Habana on account of this unjust and uncalled treatment, as his attitude in the past has in nowise operated to stop persecution. Can not you get some Senator to take up this case and prevent this farce from proceeding further? I am not able to go to Habana or employ a lawyer to represent me. Hence the probabilities are that there will be a very heavy fine imposed in addition to numerous court costs, and if this is not paid by me on presentation I am liable to be cast into a Cuban prison, and if such should be the result there is no telling what the American residents might do, as these whole proceedings are so foreign to American justice they will not stand for it, and it would result in further complications for our cause. Quick action is necessary. I have given you the whole facts in my two letters. Every other nation protects its citizens, why should not ours do likewise? It does seem to me that there are some patriotic citizens in America that are more considerate of their fellow-men than to abandon them to persecution. I have always been a law-abiding citizen of the United States and can give all the references necessary to back up this assertion. I am 61 years of age and never was called into a court of justice before in my whole life, and have always held positions of honor and trust. I have always admired President Roosevelt, but I regret to see that notwithstanding his promise to carry out the policy of our late lamented William McKinley he appears anxious to deliver this possession of the United States to a people that are not fit to govern themselves, and also that he will tolerate a Secretary of State who does not stop them from persecuting us to the limit. They did not need this liberty, as they were already making it as uncomfortable for Americans as they possibly could, instead of being grateful to us for giving them their liberty—in fact, like itself. Spain would have annihilated them in a few months longer had not the United States taken up the fight for them. But this is digressing. In support of my assertions in regard to my previous conduct and character, I take the liberty of referring to Mr. W. W. Finley, of Washington, D. C., vice-president of the Southern Railway. He has known me for many years. I also refer you to the Hon. JOSEPH W. BAILEY, Senator from Texas.

It is generally understood here on the island that the present treaty is likely to be hung up indefinitely, and if this is the case something must be done to relieve the tension on the Americans here. They demand that as a safeguard to their peace and liberty the Congress of the United States send us a governor until it is fully determined what is to be done with the island. From all that I can gather the Americans will not be satisfied with amendments that will carry with them Cuban possession. It will create more friction than the Anglo-Saxon race will stand, and it is better for all concerned to have American rule pending further negotiations.

Yours, truly,

JAMES M. STEERE.

[Letter No. 3.]

NUEVA GERONA, ISLE OF PINES, W. I.,

March 5, 1906.

Mr. ED. P. RYAN,

No. 308 East Capitol Street, Washington, D. C.

DEAR ED.: Referring to my letters to you under date of January 20 and 24, in regard to the continuance of the proceedings against me for

trying to collect the rent due for storage on the goods held for the municipal court, I am advised to-day that the court at Habana has notified this judge here to notify me that it will be necessary for me to appear in Habana on the 28th of this month, or be subject to an additional fine. This is going to place an additional hardship on me, and as I delivered these goods as soon as the judge here explained that I could not hold them for the storage charges and also agreed to see that the bill for the same was paid, and that he would drop all these proceedings, I can not see why I should be persecuted further. Neither can I see where the Cuban Government can compel my presence in Cuba for any offense committed on the Isle of Pines, as their constitution does not apply to this island until the treaty now under consideration is ratified. It seems to me, however, that they are doing as they please, without any action of the United States to the contrary. I certainly do not feel called upon to go to Habana, as the Cuban authorities have obtained all they were contending for—the possession of the goods without paying one cent of the storage charges, which are still unpaid, notwithstanding the promise of the judge to see that I got the money. I have reported to the court every Monday morning according to my promise to do so. I can not afford to get tangled up with these Cuban courts even though I know that I am right, without some backing from my own Government. It is the delight of these Cubans to soak an American at every opportunity, and this is a fair sample of their idea of justice.

American residents are becoming very restless at the condition of things in general, and some action should be taken at Washington before it becomes unbearable, and thus save trouble.

Yours, truly,

JAMES M. STEERE.

As a remedy for the evils above set forth, your petitioner suggests that a committee of the Senate be appointed to make a complete examination on the ground and also in Cuba of the present conditions in the Isle of Pines and to report the same for the future action of your honorable body. The same committee should also report to the Senate what is the proper final disposition to make with regard to the title to the sovereignty over the island. He advises these steps because under present conditions some act of oppression at any moment may cause riot or bloodshed on the island, which would, in my opinion, reopen the entire Cuban question and involve the citizens of the United States in filibustering expeditions, coupled with rebellion and civil war in Cuba. The conditions at present are charged with dynamite and must be taken in hand at once to avoid endless complications.

JAS. M. STEERE.

DISTRICT OF COLUMBIA, ss:

Personally appeared before me James M. Steere, of Nueva Gerona, Isle of Pines, West Indies, and after being duly sworn deposes and says that all the facts alleged in the above petition to Congress and in the letters to Mr. Ryan embodied therein are true and correct to the best of his personal knowledge and belief.

Subscribed and sworn to before me this 22d day of March, A. D. 1906.
[SEAL.] BENJ. VAIL, Notary Public.

DISTRICT OF COLUMBIA, ss:

James M. Steere, first being duly sworn, deposes and says that he is a resident of the Isle of Pines and that he has been a resident of that island for the past year; that he was present when a committee was recently appointed at a mass meeting of American citizens at Nueva Gerona, on the Isle of Pines, March 1, 1906, consisting of R. P. Ewing, Driver Fullton, and E. C. Rogers, with such assistance as might be needed, to take a census of the people living on the island, without in any way interfering with the rights of any person resident on said island. It was deemed necessary that such a census should be taken in order that the truth should be given to the Senate of the United States and to the world regarding the continued and persistent misstatements to the effect that only a few land speculators from the United States held property on the island and that the great majority of residents and property owners were Cubans. Particular instructions were given to the members of this census committee to ask no questions of individuals in the course of their census taking which might offend Cuban sensibilities. Each member of the committee, it was understood, knew in a general way the number of people in each household of the district he was assigned to. The Cubans, however, discovered the personality of two of the committee, namely Messrs. Driver Fullton and H. A. Mayer. Fullton was arrested, and after being threatened by the alcalde with imprisonment if he persisted in taking the census, was allowed to go. He feared subsequent proceedings and left the island.

As regards Mr. Mayer, more stringent measures were attempted. The assistant alcalde, accompanied by a Cuban rural guard, went to his home and made threats of arrest, and during the argument which followed it was stated by Mr. and Mrs. Mayer that the assistant alcalde used toward Mrs. Mayer a grossly indecent epithet. This caused Mayer to threaten to break the assistant alcalde's neck, but fearing the Cuban law, which is usually administered in the Isle of Pines so as to convict the American and allow the Cuban to escape, he desisted in assault on the offender.

Mr. Mayer afterwards had the assistant alcalde arrested for insulting his wife, but when the case was brought up for trial the court refused to allow either Mayer or his wife or his brother-in-law, who was present, to testify as to the insult, on the ground that the Cuban law does not allow interested parties to testify in criminal cases. There being no accusing witnesses who would be allowed to testify, the assistant alcalde was triumphantly acquitted, while Mr. Mayer was fined \$5 for bringing a case against an official or else for attempting to take a census. No reason was given for imposing the fine.

This outrage has greatly incensed Americans living on the island, who, under all conditions, respect their wives and mothers, and it is liable to cause future trouble and perhaps bloodshed. It is needless to call attention to the fact that Americans will not long submit to this kind of law administered, as it is always, in favor of the officeholding Cuban classes.

JAS. M. STEERE.

DISTRICT OF COLUMBIA, City of Washington, ss:

Personally appeared before me James M. Steere, of Nueva Gerona, Isle of Pines, West Indies, and made oath to the foregoing on this 22d day of March, A. D. 1906.

[SEAL.]

BENJ. VAIL, Notary Public.

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[From the Habana Daily Telegraph, Tuesday, March 13, 1906.]

ON ISLE OF PINES—SAID THAT AMERICANS THERE HAVE DECLARED INDEPENDENCE.

The following note was yesterday given out to the press by rural guard headquarters:

"The chief of the detachment of the rural guards on the Isle of Pines sends word that a group of Americans residing in the island have met and decided to declare the island independent of Cuba, and the person presiding at the meeting undertook to communicate what had been done to the administrator of customs there."

A representative of the Telegraph called upon Secretary Freyre de Andrade to inquire if he had received any further details regarding the matter, but the secretary said he had not, and treated the report as of no consequence whatsoever.

Governor of the province, Gen. Emilio Nuñez, was also called upon, and also said that he had heard nothing whatsoever regarding the matter beyond the rural-guard report. The governor said that there was no particular alarm in the adoption of such resolutions as long as they were not acted up to, and that the collector of customs on the island would probably show no resentment when informed of them.

The governor said, however, that heretofore the Cuban Government had not insisted on the payment of taxes on the island, but had now started in to collect them. He considered the amendment to the Isle of Pines treaty, presented by Senators BACON and SPOONER, an impossible proposition, as, in his opinion, its enactment would require a radical change in the Cuban constitution, which provides for only six provinces and no territories. The governor did not, however, think that any serious trouble was imminent on the disputed islet.

Señor Villalon, of Secretary Freyre de Andrade's department, seemed to take the thing more seriously than his chief, and when asked about it by another reporter of the Telegraph stated that the rural guards had received instructions to shoot the Americans the moment the latter should commit any act of rebellion against Cuban sovereignty.

As there is now wireless communication between Cuba and the isle it is safe to say, however, that nothing of any moment occurred when the chairman of the territorialist meeting handed in his chestnut.

[The Sun, Monday, March 5, 1906.]

ON THE ISLE OF PINES—AN AMERICAN WHO FAVORS CUBAN GOVERNMENT.
To the Editor of The Sun.

SIR: It is the business of a little band of political agitators and land boomers on this end of the Isle of Pines to meet all American tourists and to keep their minds occupied with harrowing tales of Cuban atrocities and with stories of profits which would be sure to accrue to all holders of island real estate should Uncle Sam drive the "hated" Cubans off the island. Of course all this is more or less entertaining to the tourists, that depending chiefly upon their digestive organs, and has earned for the boomers the expressive appellation of "that crowd."

The statement is made in the literature sent out by the would-be revolutionists that it would be humiliating to a great degree for the Americans here to be governed by "an inferior people." I can say as missionary pastor here that I have failed to discover such inferiority. True, there are people here of a low order of civilization, but in any comparisons which may be made one must take into consideration the disadvantages under which these poor people have been by way of education, etc. It must be distinctly understood, however, that this is not the class which does the governing.

I number among my friends no more courteous or obliging gentlemen than the Cuban officials on the Isle of Pines. They rank with our best class of American citizens, and when compared with those who would belittle them, in education, integrity, courtliness of manners, and good citizenship, the superiority of the Cubans is quite apparent.

I wish to appeal to the sense of honor and Christian charity of the American people in making their decision upon this Isle of Pines affair. The Cuban people believe the American people to be their friends. They do not believe that "La Gran Republica" could perform one of the grandest acts in the history of any nation—that of fighting and winning a victory for a downtrodden people—and then say to them: "Your country is yours; work out your political salvation and we will help you in such ways as may seem advisable to maintain your government as an independent republic" for selfish reasons. No; the Cuban people believe in the American people and in their high ideals. They do not believe that that august body, the great American Senate, will permit the great injustice to be done them of taking from them this little island, which never could be of any real benefit to our Government, but which would be a bill of expense continually.

In looking for ideals to weave into the social fabric of Cuba, her people look for the best that is to be had from their friends of the great Republic, and if Cuba is to construct a government which will stand, she must do so on the foundation that has withstood the onslaughts of time, upon truths which are as eternal as the heavens, because they are of God who is eternal; upon an abiding faith in the Lord Jesus Christ as the Savior and character builder for the human race, knowing that great governments are but the reflex of national character, and can be had in the smallest republic as well as the greatest.

For a working example of such a government it is natural that the Cuban people should look to their benefactor, the United States of America, whose statesmen have for the most part been actuated by the thought and sustained by the idea that unsullied reputation in the individual is the first great step toward national greatness.

KENNETH M. DEDRICK.

NUEVA GERONA, ISLE OF PINES, February 22, 1906.

WASHINGTON, D. C., March 22, 1906.

DEAR SENATOR MORGAN: As requested, I give you a list of such persons interested in the Isle of Pines who are from Cincinnati and vicinity. I have only included such as are personal friends and neighbors; there are many more with whom I am not personally acquainted—in all about 100—they are all small landholders who invested under the belief that the island would remain under the jurisdiction of the United States. At present some of them are residents on the island, some have their representatives there who are getting their land under cultivation, planting orange groves, etc., and all hope at some time to make the island their permanent winter home.

To the most of them the ceding of the island to Cuba would fall as a great calamity. Many of them have invested the savings of years, believing they were preparing a winter home in this delightful climate under the American flag in which to spend their declining years.

Admitting that they had no right to accept the assurances of Assistant Secretary of War, Governor-General Wood, and other officials of this Government, as intimated in the majority report of the Committee on Foreign Relations, the fact remains that they have done so and stand to suffer considerably by this change of front on the part of this Government. We therefore, as American citizens, demand the most earnest consideration of the question before action is taken on the proposed treaty, believing that a way can be found out of this difficulty which will work no such injustice as would result from the proposed action.

Yours, respectfully,

ARCHIBALD FRIES.

	Acres.
Lewis N. Gatch, attorney	200
Rev. H. T. Crane, minister	200
R. H. Bishop, retired merchant	100
Miss Willa H. Spillard, teacher	10
Miss Edna M. Spillard, teacher	10
Miss Sarah V. Spillard, teacher	10
Miss Edith Crane, teacher	10
Miss Ida T. Smith, teacher	50
Mr. George Smith, laundryman	50
Mr. Forest Nelson, farmer	100
Mr. Frank Nelson, farmer	100
Mr. Frank Rothenhofer	500
Dr. G. S. Junkerman, dentist	80
Mrs. Guido Kemper, widow	40
Mr. Henry Ransom, merchant	40
Mr. George W. Losh, merchant	100
Mr. Thomas Earhart, lumberman	50
Mr. Frank J. Norris, stenographer	40
Mr. Arthur Shubert, clerk	40
Mr. William Shubert, clerk	40
Mr. A. Burkhardt, bookkeeper	40
Mr. William Durham, retired merchant	40
Mr. George Durham, farmer	250
Mr. Ernest Fries, attorney	100
Mr. Albert N. Fries, laundryman	100
Mr. Archibald Fries, freight agent	300

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On March 16:

S. 3288. An act to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River; and

S. 4128. An act permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn.

On March 19:

S. 51. An act to create a juvenile court in and for the District of Columbia;

S. 589. An act granting a pension to Joseph L. Prentiss;
 S. 675. An act granting a pension to Ulrika Bottecher;
 S. 772. An act granting a pension to Jerusha Hayward Brown;
 S. 2044. An act granting a pension to Solomon F. Wehr;
 S. 2080. An act granting a pension to Ruth F. Bennett;
 S. 2735. An act granting a pension to Marcelina S. Groff;
 S. 2968. An act granting a pension to George W. Hale;
 S. 3125. An act granting a pension to Parthenia W. Baker;
 S. 3187. An act granting a pension to John Harper;
 S. 3224. An act granting a pension to Nancy A. Teeters;
 S. 3312. An act granting a pension to Oscar F. Renick;
 S. 3626. An act granting a pension to Catherine Coyle;
 S. 3721. An act granting a pension to Mary C. Morgan;
 S. 4227. An act granting a pension to John H. McKenzie;
 S. 4280. An act granting a pension to Aurelia Cotten;
 S. 17. An act granting an increase of pension to Levi A. Tripp;
 S. 19. An act granting an increase of pension to Alphonso B. Holland;

S. 22. An act granting an increase of pension to Andrew Smith;

S. 94. An act granting an increase of pension to Albert Wines;
 S. 162. An act granting an increase of pension to David D. Griffith;

S. 165. An act granting an increase of pension to Henry Russell;

S. 180. An act granting an increase of pension to Joseph W. Legro;

S. 187. An act granting an increase of pension to James H. Kane;

S. 200. An act granting an increase of pension to Frederick Behrens;

S. 203. An act granting an increase of pension to Edward E. Needham;

S. 218. An act granting an increase of pension to James White;

S. 220. An act granting an increase of pension to Jonathan F. Gates;

S. 251. An act granting an increase of pension to Martin L. Adams;

S. 325. An act granting an increase of pension to Henry B. Burton;

S. 446. An act granting an increase of pension to Mary C. Duane;

S. 466. An act granting an increase of pension to James H. Lewis;

S. 482. An act granting an increase of pension to Amos M. Runkel;

S. 492. An act granting an increase of pension to Barney Whitney;

S. 527. An act granting an increase of pension to Alfred McPherran;

S. 548. An act granting an increase of pension to William Carr;

S. 555. An act granting an increase of pension to Henry H. Hill;

S. 597. An act granting an increase of pension to David M. Pearson;

S. 599. An act granting an increase of pension to Mary A. Megrue;

S. 623. An act granting an increase of pension to Bridget Evans;

S. 641. An act granting an increase of pension to James M. Conrad;

S. 655. An act granting an increase of pension to Charles E. Bishop;

S. 656. An act granting an increase of pension to Abraham Walters;

S. 672. An act granting an increase of pension to James F. Hubbard;

S. 671. An act granting an increase of pension to Charles Conine;

S. 712. An act granting an increase of pension to Lizzie M. McLaughlan;

S. 716. An act granting an increase of pension to Theodore H. Hanson;

S. 721. An act granting an increase of pension to Orange S. Mason;

S. 725. An act granting an increase of pension to William M. Smith;

S. 784. An act granting an increase of pension to George L. Cooley;

S. 790. An act granting an increase of pension to William Benkler;

S. 836. An act granting an increase of pension to Charles A. Fay;

S. 842. An act granting an increase of pension to William A. Eggleston;

S. 859. An act granting an increase of pension to Richard T. Fried;

S. 861. An act granting an increase of pension to Thomas O'Connor;

S. 969. An act granting an increase of pension to Howard Ellis;

S. 1011. An act granting an increase of pension to John E. Woodsum;

S. 1023. An act granting an increase of pension to Peter Shippman;

S. 1130. An act granting an increase of pension to Isalah Mitchell;

S. 1138. An act granting an increase of pension to Albert S. Blake;

S. 1173. An act granting an increase of pension to James M. Fernald;

S. 1227. An act granting an increase of pension to Henry J. Patterson;

S. 1228. An act granting an increase of pension to Julia L. Plimpton;

S. 1230. An act granting an increase of pension to Eugene Gaskill;

S. 1246. An act granting an increase of pension to William F. Wilson;

S. 1251. An act granting an increase of pension to Peter Burns;

S. 1273. An act granting an increase of pension to Eleanor A. Keeler;

S. 1357. An act granting an increase of pension to Orlando C. Pinkham;

S. 1399. An act granting an increase of pension to Henry Jordan;

S. 1418. An act granting an increase of pension to Levi E. Cross;

S. 1420. An act granting an increase of pension to Sarah A. Tyler;

- S. 1421. An act granting an increase of pension to Harvey C. Brown;
- S. 1437. An act granting an increase of pension to William F. Davis;
- S. 1527. An act granting an increase of pension to John M. Odenheimer;
- S. 1555. An act granting an increase of pension to Mary C. Bishop;
- S. 1624. An act granting an increase of pension to Peter Betz;
- S. 1634. An act granting an increase of pension to Solomon R. Ruch;
- S. 1645. An act granting an increase of pension to Jacob G. Orth;
- S. 1665. An act granting an increase of pension to John C. Estes;
- S. 1666. An act granting an increase of pension to George W. Beard;
- S. 1834. An act granting an increase of pension to Frederick W. Partridge;
- S. 1889. An act granting an increase of pension to Arthur Thompson;
- S. 1905. An act granting an increase of pension to Edgar Tibbils;
- S. 1908. An act granting an increase of pension to Francesco Del Gindice;
- S. 1911. An act granting an increase of pension to Gunnerus Ingebretson;
- S. 1978. An act granting an increase of pension to Thomas Edsall;
- S. 2090. An act granting an increase of pension to Sarah E. Adams;
- S. 2091. An act granting an increase of pension to John P. Bambush;
- S. 2096. An act granting an increase of pension to Nathaniel R. Kent;
- S. 2103. An act granting an increase of pension to Lorin R. Bingham;
- S. 2142. An act granting an increase of pension to Adelle D. Irwin;
- S. 2153. An act granting an increase of pension to Helen B. Read;
- S. 2168. An act granting an increase of pension to Isaac B. Hewitt;
- S. 2182. An act granting an increase of pension to John J. Buffington;
- S. 2216. An act granting an increase of pension to David W. Magee;
- S. 2250. An act granting an increase of pension to John Rauch;
- S. 2332. An act granting an increase of pension to Ashley A. Youmans;
- S. 2344. An act granting an increase of pension to Albert C. Andrews;
- S. 2346. An act granting an increase of pension to John W. Reed;
- S. 2393. An act granting an increase of pension to John L. Clark;
- S. 2406. An act granting an increase of pension to Thomas Milliman;
- S. 2473. An act granting an increase of pension to Charles L. Noggle;
- S. 2548. An act granting an increase of pension to Jesse M. Furman;
- S. 2840. An act granting an increase of pension to George L. Jaquith;
- S. 2863. An act granting an increase of pension to Garrett Rourke;
- S. 2868. An act granting an increase of pension to George W. Flick;
- S. 2882. An act granting an increase of pension to Samuel E. Johnson;
- S. 2950. An act granting an increase of pension to Joseph E. Stines;
- S. 3029. An act granting an increase of pension to Delia A. Hooker;
- S. 3031. An act granting an increase of pension to Frank Westervelt;
- S. 3036. An act granting an increase of pension to John O. Thorn;
- S. 3043. An act granting an increase of pension to Henry D. Hall;
- S. 3121. An act granting an increase of pension to John G. Blessing;
- S. 3132. An act granting an increase of pension to Georgia D. Brown;
- S. 3189. An act granting an increase of pension to Elizabeth Rutherford;
- S. 3199. An act granting an increase of pension to Andrew J. Coulton, alias Samuel Myers;
- S. 3242. An act granting an increase of pension to Daniel Woolley;
- S. 3310. An act granting an increase of pension to Richard M. Ogle;
- S. 3315. An act granting an increase of pension to Henry V. Hamenstaedt;
- S. 3472. An act granting an increase of pension to Lena Sherman;
- S. 3473. An act granting an increase of pension to La Forrest C. Darling;
- S. 3474. An act granting an increase of pension to James B. Kellogg;
- S. 3475. An act granting an increase of pension to Everett S. Fitch;
- S. 3492. An act granting an increase of pension to Catharine Bechtol;
- S. 3539. An act granting an increase of pension to Dominick Cavanaugh;
- S. 3547. An act granting an increase of pension to Stephen M. Davis;
- S. 3575. An act granting an increase of pension to Sargent R. Emerson;
- S. 3588. An act granting an increase of pension to James Lebo;
- S. 3640. An act granting an increase of pension to Oliver Brenton;
- S. 3714. An act granting an increase of pension to James Ruth;
- S. 3751. An act granting an increase of pension to Daniel D. Nash;
- S. 3800. An act granting an increase of pension to Albert D. Cordner;
- S. 3866. An act granting an increase of pension to Samuel J. Burlock;
- S. 3888. An act granting an increase of pension to Susan E. Israel;
- S. 3903. An act granting an increase of pension to John McCoy;
- S. 3905. An act granting an increase of pension to James M. Garritt;
- S. 3932. An act granting an increase of pension to David Rankin;
- S. 3933. An act granting an increase of pension to Sidney R. Smith;
- S. 4000. An act granting an increase of pension to Crosby Pyle Woodward;
- S. 4006. An act granting an increase of pension to Charles S. Parrish;
- S. 4020. An act granting an increase of pension to Henry C. Johnson;
- S. 4096. An act granting an increase of pension to Norman W. Lombard;
- S. 4097. An act granting an increase of pension to Julius T. Williamson;
- S. 4100. An act granting an increase of pension to Carlton A. Wheeler;
- S. 4131. An act granting an increase of pension to John Connor;
- S. 4159. An act granting an increase of pension to Mary P. Johannes;
- S. 4181. An act granting an increase of pension to Margaret Hallett;
- S. 4187. An act granting an increase of pension to Nathaniel E. Skelton;
- S. 4188. An act granting an increase of pension to Frank D. Smith;
- S. 4223. An act granting an increase of pension to Benjamin F. Peirce;
- S. 4226. An act granting an increase of pension to James Cain;
- S. 4286. An act granting an increase of pension to Thomas J. Davies;
- S. 4319. An act granting an increase of pension to Frederick C. Sturm;
- S. 4337. An act granting an increase of pension to Barney McGirl;
- S. 4362. An act granting an increase of pension to William Fluegel;
- S. 4381. An act granting an increase of pension to John T. McGarraugh;
- S. 4422. An act granting an increase of pension to Lindsay Kirby;

S. 4496. An act granting an increase of pension to Alphonso Brooks;

S. 4507. An act granting an increase of pension to Joseph Chandler, jr.;

S. 4595. An act granting an increase of pension to Amos McManus;

S. 4636. An act granting an increase of pension to Henry R. Pease; and

S. 4637. An act granting an increase of pension to Frederick Zimmerman.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that the unfinished business be taken up for consideration.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent that the Senate proceed to the consideration of the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LODGE. Mr. President, I ask that the amendment which I offered to the bill, and to which I desire to address myself, may be read by the Secretary.

The VICE-PRESIDENT. The Secretary will read the amendment submitted by the Senator from Massachusetts.

The SECRETARY. It is proposed to strike out section 8 of the bill and to insert the following:

On the passage of this act an Interstate Commerce Commission shall be appointed by the President, by and with the advice and consent of the Senate, to take the place of the present Interstate Commerce Commission. Said Commission shall consist of nine members, one for and from each judicial circuit of the United States. Not more than five members of said Commission shall be of the same political party; at least three of said Commission shall be lawyers of good and regular standing at the bar, and three others shall be persons of experience in the management and operation of railroads. Three members of said Commission shall be appointed for three years, three shall be appointed for six years, and three for nine years, and all subsequent appointments made on the expiration of a term of service shall be for nine years. Any Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, and vacancies caused by death, removal, or resignation shall be filled by the President, by and with the advice and consent of the Senate, by appointments for the remainder of the unexpired terms. The members of the Interstate Commerce Commission shall receive \$12,000 compensation annually, and the chairman of the Commission, who shall be a lawyer, \$12,500.

No person owning stock or bonds of any common carrier subject to the provisions of this act, or who is in any manner peculiarly interested therein, shall enter upon the duties of such office or at any time hold the same. Said Commissioners shall not engage in any other business, vocation, or employment. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission. All laws and parts of laws conferring powers and imposing duties upon or otherwise relating to the heretofore-existing Interstate Commerce Commission shall continue in full force and effect and be applicable to the Interstate Commerce Commission established by this act, except as herein otherwise provided.

All the proceedings depending before the heretofore-existing Interstate Commerce Commission at the time this act shall take effect shall, without break or interruption, be deemed to be depending before the Commission established by this section, and shall continue on to conclusion before the new Commission.

Mr. LODGE. Mr. President, this amendment was founded upon one which was offered by the Senator from Virginia [Mr. MARTIN] at the last session of Congress. I prepared it after consultation with Senators on both sides of the Chamber, I hope that it may receive the attention of the Senate and if there are changes which will improve and perfect it I trust they will be made.

The purpose of the amendment is apparent upon its face. It is an effort, so far as it can be done by law, to give to this Commission by salary and by tenure of office all the strength and dignity which it is possible to confer. When one of the Commissioners appeared before the Interstate Commerce Committee of the Senate he stated that he did not think an increase of salary was of much importance; that there would be no difficulty in getting suitable men for this Commission, just as it was always possible to get good men for the courts. It seems to me that that is a mistaken idea. Nothing can give to any executive commission, the creature of yesterday, the dignity which pertains to and adheres in a court. The courts and the judges represent centuries of tradition. They have been the arbiters of life and death. They have been the support of power, and in later days the sure defense of personal rights and personal liberty. They have in almost all the history of the English-speaking race, and, indeed, of all civilized nations, filled a great place, and about them have gathered that indefinable respect and reverence which time alone can give. But this Commission has, and necessarily can have, none of these qualities except what an act of Congress can confer. Therefore, Mr. President, it seems very important to do all in our power to elevate its character and assure its ability so far as is possible by law.

There seems to be a tacit assumption in all the discussion which has gone on here that if a matter is referred to the Interstate Commerce Commission all will be well; that they, like the king in the English maxim, can do no wrong. Yet they are, after all, men and fallible like the rest of us. I think we have not paused enough to consider how immensely important are the functions to which we are about to call this body of men by the bill which we now have under consideration, and I wish to touch briefly on some of the duties which we expect those officers to perform.

The great importance of our railroad system is well known, and in a general way is constantly stated; but I desire, if I can, to bring it home a little more forcibly by some details. Burke said in a very famous speech that "small minds and great empires went ill together," and certainly what is true of a great empire, as he then contemplated the governments of the world, is true of this Interstate Commerce Commission. After they are clothed with the powers which we propose to confer upon them they will be able to affect the welfare of more people, and the value of infinitely more property, than could have been affected by the act of any monarch ruling in Europe at the time when Burke made his great speech on conciliation with America.

We call upon them primarily to decide as to the rates to be established by the railroads. We know that that is a large question; but, Mr. President, I confess I did not realize how large and intricate a question it was until I had made some careful investigations in regard to the interdependence of rates. I desire to read at this point a brief statement which I have prepared in regard to that matter. The facts given are somewhat dry, but it brings home, I think, better than anything I have yet been able to find, the enormous complication and importance of the questions which this Commission will be called upon to decide from day to day and in the course of the work imposed upon them.

The course of the railroads of the United States has naturally been laid between the industrial and commercial centers, between places of production and the various markets. The early railroads were built after this tendency from and to the cities which had grown to be commercial centers principally because of their advantageous position for the conduct of traffic by water—Boston, New York, Philadelphia, Baltimore, Savannah, Mobile, New Orleans, and Galveston because of their harbors on the Atlantic and the Gulf; Pittsburg, Cleveland, Cincinnati, Detroit, St. Louis, and Chicago because of their favorable situation on the inland waterways. The development of the western grain fields, to which Chicago was the natural gateway, and the great traffic which ensued between Chicago and New York led to the building of numerous railroads, which competed with the water routes between those cities. Second in importance were the channels of traffic between New York and Cincinnati and St. Louis, which led to the building of competing railroads between those cities and to Boston, Philadelphia, and Baltimore, seaports competing with New York. The traffic between any one of these western cities and any one of these eastern cities, whether eastbound or westbound, came into competition with the traffic between any other eastern and western city, it being evident that certain regions beyond Chicago could also be reached via St. Louis, that certain regions beyond St. Louis could also be reached via Cincinnati, and that the entire European market could be reached through either Boston, New York, Philadelphia, or Baltimore. The contests between these different commercial centers and seaports and the railroads connecting them gave rise to rate wars which were fierce and almost continuous, until, after many tentative compromises, there was attained the rate adjustment which is in effect to-day. By reason of the volume of traffic which flows between them the rate between Chicago and New York is the basis to which practically all the rates east of the Mississippi and north of the Ohio rivers are adjusted. The rates between New York and Chicago, which are the result of contests which have been fought to a finish by the railroads and the communities concerned, are designated as 100 per cent rates. The rates to and from intermediate cities and territories have also been arrived at through contest and compromise and are established as percentages of the 100 per cent rate—that is, the rate from New York to Pittsburg is 60 per cent; to Cleveland, 71 per cent; to Detroit, 78 per cent; to Indianapolis, 93 per cent; Peoria, 110 per cent, and to St. Louis, 116 per cent of the New York-Chicago rate. By arbitration and other adjustment the rates to and from Philadelphia and Baltimore bear a fixed relation to the New York-Chicago rate. Rates from Boston and interior New England points, rates from the territory surrounding Buffalo and Pittsburg, and from other interior points are established in relation to the New York-Chicago rate, as well as rates to and from Norfolk

and other points in Virginia. Rates in the opposite direction—that is, from Chicago to New York—are also considered as 100 per cent, upon which basis are likewise made practically all the West to East rates from points on the Mississippi and Ohio rivers and the territory north and east thereof.

If, therefore, a railroad rate upon an article of general production and consumption is reduced between an eastern and a western point in the territory specified, the equities and rivalries of other producing and consuming localities and the competition of carriers produce the following results:

(1) All railroad rates are reduced between all eastern and all western points in the territory described.

(2) Rates for combined rail and lake transportation are reduced.

(3) Rates via the Erie Canal and the Great Lakes are reduced to maintain the difference between them and the all-rail rates and the rail-and-lake rates.

(4) Rates on through traffic from and to points west of the Mississippi River and from and to points south of the Ohio River are reduced.

(5) Rates may be reduced to and from points in Canada. It has been estimated that a change in one of the rate bases mentioned has forced the changing of not less than 8,000 rates.

Upon the 60 per cent of the Chicago-New York rate fixed for Pittsburg are based, as the result of many years of controversy between competing manufacturers and rate wars between the railroads serving the several districts, the fixed differences for rates from the Mahoning and Shenango valleys, which are 40 cents per ton higher than the Pittsburg rate; from the Cleveland district, which is 60 cents per ton higher than the Pittsburg rate, and from the Johnstown district, which is 30 cents per ton less to the East than the Pittsburg rate. The rates on the raw materials that enter into the manufacture of pig iron—coke, ore, and limestone—to the Pittsburg, the Mahoning Valley, the Shenango Valley, and the Wheeling districts are adjusted in equilibrium so delicate that a change in the rate on ore, coke, or limestone to either of these districts would necessitate a change in the rates on these commodities to the other districts or else a change in the rate on the manufactured iron and steel from the district in which the rates on the raw material had not been adjusted. Likewise a serious reduction in the rates on the products of the furnaces at South Chicago and Joliet will necessitate changes from the Pittsburg district, and therefore from the Wheeling, Mahoning Valley, Shenango Valley, and Cleveland districts.

The adjustment of rates to and from points in the territory south of the Ohio and east of the Mississippi rivers depends not only upon the rates that are made from the West to the crossing points on the Mississippi and from the North to Cairo, Evansville, Louisville, Cincinnati, and other crossing points on the Ohio River, but on the rates by water from New York and Baltimore on the east and on rates from New Orleans and Mobile in connection with the water lines to those points.

What follows the changing of one important rate in this southern territory is exemplified by the following statement of what happened as a consequence of a recent change in rates from Baltimore to Atlanta and Louisville to Atlanta. Rates corresponding to the reduction from Baltimore were made from Boston, New York, Philadelphia, and the other eastern seaports as well as from all interior Eastern and New England cities to Atlanta. Reductions corresponding to that from Louisville were made from Cincinnati, Evansville, Cairo, and Memphis. These reductions from the eastern seaports and the Ohio and Mississippi River crossings necessitated a reduction in the rates from every point in the United States north or west of these gateways, and likewise a relative reduction from Virginia cities to Atlanta and reduction from the South Atlantic ports of Norfolk, Charleston, Savannah, and Brunswick. The changes in these rates to Atlanta forced corresponding change to the neighboring city of Nashville and a proportionate reduction to Chattanooga, Macon, Columbus, and other cities in Georgia. The change at Chattanooga in turn affected rates from Florence, Sheffield, and Decatur; from Knoxville, Montgomery, Selma, and Birmingham, as well as from New Orleans and Mobile. This change in the rates to Atlanta also ramified throughout Virginia and the Carolinas, the total changes necessitated by the initial change being not less than a hundred thousand.

Another traffic current which affects rates throughout a wide territory and in multiplied ramifications is that between Chicago and St. Louis and New Orleans. The roads tributary to this port naturally work to develop its traffic, with the result that lines leading from the grain and grazing regions of the West to the Atlantic seaports have had to make certain revisions in their rates. A reduction in the grain rate made in January of last year from Kansas City to Galveston forced re-

ductions in rates on grain from the territory beyond and via Kansas City and Omaha not only to New Orleans, but to New York and Baltimore. Reductions were also forced to New Orleans from all stations in the grain-raising States of South Dakota, Iowa, Minnesota, and Illinois.

Changes similar to those which have been specified as following the modification of a rate from Louisville to a southern point also follow the change in a rate from St. Louis to New Orleans or other southern distributing point. In such a case the ramifications begin at Buffalo and Pittsburg and extend westward to Arkansas, Indian Territory, Oklahoma, and New Mexico, affecting the rates from these regions to points south of the Ohio and east of the Mississippi rivers. Changes in rates that affect New Orleans and other points in Louisiana also affect the rates to and from Texas, the present adjustment of rates to and from Texas and Louisiana being as delicate as that in other regions of the South where, as we have seen, a reduction in one rate may demolish the entire structure.

The growth of population in the Mississippi and Missouri valleys has brought about a development of industry and commerce which causes an extensive interchange of traffic between the communities that range from Minnesota and Wisconsin to Tennessee and Arkansas and from the Dakotas to Colorado and Oklahoma. It is obvious that to and from many places in these regions traffic can cross the Mississippi or Missouri rivers at any one of several gateways. Therefore there has grown up a rate adjustment for this traffic the interdependence of which may be illustrated by a reduction in the rates on buggies, carriages, and spring wagons recently made from Freeport, Ill., to points in Iowa, which immediately brought about corresponding reductions from Chicago, Peoria, St. Louis, and Dallas, and then reductions from Milwaukee, Racine, Madison, Janesville, Beloit, Wis., Kankakee, Bloomington, Decatur, and other points in Illinois to all points in Iowa and Wisconsin. These reductions spread from all shipping points east of the Illinois-Indiana State line to all points west of the Mississippi River. A reduction in the rate on wire and nails from Chicago to Denver brought similar reductions from other Illinois to all Colorado points, and had the effect of reducing the rates on wire and nails eastbound from the Colorado mills through all of the Missouri River gateways. The interrelation of rates in this region may be summarized by the statement that a change in a rate between St. Louis and either Kansas City, St. Joseph, Atchison, Leavenworth, Nebraska City, Omaha, or Council Bluffs immediately changes the rate to each other of these Missouri River gateways and automatically reduces the rates between Memphis, St. Louis, Peoria, Chicago, St. Paul, Duluth, Sioux City, Sioux Falls, and all points between the Missouri River and the Rocky Mountains.

The rates from St. Louis, Mo., to St. Paul and Minneapolis are on an established basis, attained after compromise through the customary period of warfare, of 105 per cent of the rates from Chicago to St. Paul and Minneapolis; the Chicago rates apply throughout Illinois as far south as Peoria, Decatur, and Springfield. The rates from Chicago and Des Moines are made a percentage of the rates from St. Louis to Des Moines, and the rates from Chicago to interior points in Iowa, such as Cedar Rapids, Ottumwa, and Marshalltown, bear a fixed relation to the rates from Chicago to Des Moines. The rates from St. Louis to Des Moines are fixed upon the rates from St. Louis to St. Paul and Minneapolis. Therefore a reduction in a rate from Chicago to St. Paul and Minneapolis would result in a corresponding change from St. Louis to these cities, which, in turn, would change the rate from St. Louis to Des Moines, which would change the rate from Chicago to Des Moines, and likewise the rates from Chicago to Cedar Rapids, Ottumwa, and Marshalltown.

The complications which beset the making of rates between the regions east of the Rocky Mountains have their effect upon the rates to and from the Pacific coast, which also must be kept in certain adjustment with the ocean rates, a change in the through rate via any route from any place of production in the East necessitating a change via any other route to any seaport competing with another seaport for the trade of the interior. It is the same with the rates from the Pacific coast. For example, canned, dried, and green fruit and vegetables produced in California, Oregon, and Idaho compete with one another not only in the West, but pretty much throughout the United States and in certain parts of Europe. A change in the rate on any one of these commodities via any route from any producing center would bring about corresponding changes via other routes from the same and other producing centers.

As another example, sugar is produced and refined in Texas and Louisiana and also in Colorado, Utah, Idaho, and in California; sugar from Cuba is imported and refined at New York

and Philadelphia. All of these places of production and refining compete for the markets of the Mississippi and Missouri valleys. Therefore a change in the rate on sugar from California to a Missouri Valley distributing center would probably cause a change in the rate on sugar from New York, Philadelphia, Utah, and Colorado. A change in the rate on any commodity from St. Paul to Butte, a distributing center of Montana, would cause a change in the rate from every crossing point on the Missouri River to the distributing points not only in Montana, but in Utah and Idaho.

In a word, the merchants of Chicago, St. Louis, St. Paul, Duluth, Sioux City, Omaha, Kansas City, Denver, Salt Lake City, Butte, Spokane, Seattle, Tacoma, Portland, San Francisco, Los Angeles, Galveston, and New Orleans are all competing to a greater or less degree for the trade of the entire territory between the Mississippi River and the Pacific Ocean. The rate adjustment now existing is the result of experience, of competition between carriers, competition between communities, competition between the producers and between the distributors. It is an adjustment that is ever in unstable equilibrium, changes constantly being made to meet the fluctuating conditions of industry and commerce which in this region are peculiarly and intensely energetic.

For the grazing grounds which range from the Canadian boundary to the line of the Union Pacific Railway Chicago is the controlling market. If the rate for beefs from any point in this vast region to Chicago is reduced, corresponding reductions must be made from the adjoining points, and these reductions affect the rates from all other points on the various railroads leading from that territory. As the cattle are on the hoof and can be shifted from one end of a range to another, often over a distance of two or three hundred miles, without damage or increased expense, this shifting can readily be made to a station on a road which has reduced its rates and away from the railroad that has not made a corresponding reduction. An attempt to adjust live-stock rates through the Interstate Commerce Commission necessitated the inclusion in the complaint by certain of the live-stock interests of all the railroads between Canada and Texas. But be it said that the complaint was far from unanimous, many shippers expressing entire satisfaction with the status.

An interesting example of competition arose out of the enormous demand for flour in China and Japan during the recent war. Enormous purchases were made from the Minneapolis millers, who were quoted rates via the Atlantic seaboard and the Suez Canal. The railroads leading to the Pacific coast were enabled, by the necessity of transporting cars to the coast to bring east products of the Northwest and of the Orient, to quote the low rates necessary to secure shipments of this flour from Minneapolis to the Orient via Puget Sound. This rate, established solely to obtain this particular and temporary traffic, was so low as to cause the millers and farmers at interior points on the Pacific coast to demand correspondingly low rates on their shipments for domestic consumption at the coast. As it was impossible to grant their request, the low rates from Minneapolis were withdrawn.

The exposition just made applies to that interdependence of railroad freight rates which grows out of the competition between railroads, between communities, between producing centers and markets. There is another phase of this interdependence which grows out of the relation and competition between commodities themselves. It is a general principle that crude or raw materials should, other things being equal, pay lower railroad rates than the manufactured products. Therefore, for example—

- (1) Rates on pig iron are lower than rates on steel billets, blooms, and ingots, which rates in their turn are lower than those upon finished iron or steel products.
- (2) Animal hides are accorded lower rates than leather.
- (3) Wool and cotton are accorded lower rates than woolen and cotton fabrics.
- (4) Rates on live stock are less than on dressed beef, and less on hogs than on hams and other provisions.
- (5) The rates on ore are less than on bullion and matte.
- (6) Rates on lumber are less than on products manufactured therefrom.
- (7) Rates on denims are less than on overalls and jumpers.

It therefore follows that a change in the rate on a finished product or on a raw material which is a factor in its production may necessitate changes on the other kinds of raw material and on the finished product. For example, a change in the rate on lumber would result in a corresponding change on articles taking lumber rates, such as lath, shingles, telegraph and telephone poles, and upon articles manufactured from lumber and taking higher rates, such as sash, doors, blinds, and interior finish; or, as another example, a change in the rate on

sulphur to paper-manufacturing points would result in corresponding changes on other articles of paper stock, such as brimstone, caustic, soda, kaolin, copperas, potash, soda ash, resin, ground clay, and ground rock.

That competition known in economics as "substitution"—the use of one commodity in the stead of another if there is too great a variant in the price—compels the railroads in behalf of established industries to maintain a certain relative adjustment in the rates on competing commodities, for example, as follows:

- (1) Soap, soap extracts, soap powders, washing compounds, washing powders, and washing crystals, all of which are used for cleansing purposes and are commercially competitive.
- (2) Glue (animal product), dextrin (vegetable product), casein or milk curd (animal product), all of which are adhesives largely used for manufacturing purposes and directly competitive.
- (3) Hemp, sisal, manila, and jute, all vegetable fibers, directly competitive in the manufacture of rope and twine.
- (4) Strawboard, wood-pulp board, binder's board, box board, news board, and chip board.
- (5) Corundum, carborundum, and emerald.
- (6) The different kinds of paint.
- (7) The different kinds of paper.
- (8) Copper wire, copper rope, copper cable, insulated wire, insulated cable.
- (9) Wrought-iron pipe, cast-iron pipe, all iron and steel tubes.
- (10) Rolled oats and all cereal foods.
- (11) Raisins, dried prunes, dried peaches, dried apricots, dried pears.
- (12) Canned salmon and all other canned fish.
- (13) Canned fruits and canned vegetables.

This analysis of rates, Mr. President, is simply to show the fact which I desire to call especial attention to—that these railroad rates are all interdependent and interlaced and that when you decide as to one rate you may affect ten thousand rates covering a third or a half of the United States, and that means affecting for weal or woe the daily business of all that great area.

But, Mr. President, this is not all by any means which the Interstate Commerce Commission is called upon to do. I have not the slightest intention of casting any reflection whatever upon the able and distinguished gentlemen who now occupy those important positions. They have been eulogized by the eloquent and distinguished Senator from Iowa [Mr. DOLLIVER], and he has pointed out to attentive consideration the ten volumes of their reports, which is certainly, as he said, a monument of industry, if nothing else. But that is not all. This Commission has been engaged in promoting and advocating legislation. I find, in the testimony taken before the Interstate Commerce Committee on the 8th day of December, 1899, that the following proceedings were had in the Interstate Commerce Commission:

[Reprinted from hearings before Committee on Interstate Commerce, United States Senate, Friday, April 13, 1900, page 396.]

PROUTY EXHIBIT A.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of December, A. D. 1899.

Present: Hon. Martin A. Knapp, chairman; Hon. Judson C. Clements, Hon. James D. Yeomans, Hon. Charles A. Prouty, Commissioners. The following proceedings were had, to wit:

AMENDMENT OF THE ACT TO REGULATE COMMERCE.

Cooperation with certain mercantile organizations to secure the adoption of amendments to the act to regulate commerce being under consideration.

It was unanimously voted to instruct the Secretary to cooperate with the representatives of these organizations for the purpose of securing the adoption of necessary amendments, and particularly the passage of a bill which has been approved by such organizations at a meeting held in Chicago on November 22, 1899, and to that end to give the public information as to the present state of the law, and the necessity for amending it by distributing such reports, papers, and documents as are designed to accomplish that purpose, and to devote himself assiduously to such duty.

A true copy.

[SEAL.]

EDW. A. MOSELEY, Secretary.

That was a formal order of the Commission to enter, in conjunction with mercantile organizations throughout the country, upon a general campaign in favor of amendments they thought proper to the interstate-commerce act in order to enlarge their own powers. There follows on the next page, which I will not read, a circular which they subsequently sent out.

Mr. FORAKER (to Mr. LODGE). Why not insert it?

Mr. LODGE. Very well, I will insert the whole of this statement, including the order of the Commission and the circular.

Mr. BEVERIDGE. What is the nature of the circular?

Mr. LODGE. It refers to Senate bill 1439, introduced by the Senator from Illinois [Mr. CULLOM], and then advocates the changes proposed in that bill. It was circulated throughout

the country in order to secure support for that measure, which had the approval of the Commission.

The circular letter referred to is as follows:

Inclosed please find copy of Senate bill No. 1439, introduced by Senator CULLOM December 12, 1899, which embodies provisions amendatory of the act to regulate commerce. The bill is designed to give the Interstate Commerce Commission the authority intended to be conferred by Congress when the law was originally enacted.

A few railroad officials and some newspapers have charged that the Commission by recommending these amendments is seeking unlimited authority to make rates. This charge is entirely without foundation. The Commission neither asks nor desires to be invested with general rate-making power. It simply asks for authority to correct rates which have been previously established by the carriers in the full exercise of their rate-making power, when such rates are found by the Commission, after due notice, investigation, and full hearing, to be in violation of the act; and the Commission asks this because experience has demonstrated that there is practically no other way by which the public can be protected against excessive or unjustly discriminative rates.

It has been asserted in some quarters that the powers asked for in this regard would imperil the commercial interests of the country. This statement is altogether erroneous. On the contrary, the passage of this measure would conserve the interests of producers, manufacturers, and shippers generally, while protecting the rights of the carriers. On November 22, 1899, this bill was submitted to a convention composed of representatives of leading commercial and industrial organizations of the country at Chicago. There were present authorized delegates from the Millers' National Association of the United States, the National Association of Manufacturers of the United States, the National Business League, the National Board of Trade, the National Transportation Association, the National Live Stock Association, the United States Brewers' Association, the Vapor Stove Manufacturers' National Association, the National Hay Association, the National Association of Freight Commissioners, and others.

After carefully considering the measure section by section it was approved by the conference. Since that time more than twenty other national business associations have expressed their approval of the bill. The shippers of the country, therefore, with the approval of the Interstate Commerce Commission, seek such amendment as will empower the Commission to proceed on the lines and to the ends contemplated by the original act. The language and phraseology of that act, as interpreted by the Supreme Court of the United States in various decisions, has been found insufficient to authorize the procedure and action necessary to give effect to its purpose. The language of the proposed amendments is believed to be so clear as to admit of no misinterpretation.

Your attention is particularly called to the fact that the authority to correct rates which have been found to be unlawful is neither arbitrary nor final under the provisions of this bill. In every case the carriers must have due notice and opportunity to be heard before any change in rates can be ordered, and all orders of this character are made subject to review by a circuit court of the United States and by the Supreme Court of the United States.

As already stated, the sole purpose of these amendments is to furnish the means of enforcing the present provisions of the law against unreasonable rates and unjust discriminations, and to that end to confer upon the Commission the degree of authority respecting rates which for ten years it was supposed to have, but which the Supreme Court has declared it does not possess.

If the general features of the bill as above outlined meet your approval, it is respectfully suggested that you take action expressing your approbation and support to the Senators and Representatives from your State and to the Committees on Interstate and Foreign Commerce of the United States Senate and House of Representatives at Washington, either alone or with others, or by petition or otherwise.

I would be glad to hear from you in respect to the matter, and would be pleased to receive advice of any action which you may take and copies of any letters, petitions, or other documents which may be forwarded to Senators and Representatives or either of the committees.

Very respectfully,

EDW. A. MOSELEY, Secretary.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. Certainly.

Mr. DOLLIVER. I should like to be informed by the Senator as to the impropriety of that, and how far it differs from the activity of other Departments of the Government in making recommendations for bringing the law into harmony with the good of the public service?

Mr. LODGE. The Senator from Iowa seeks to defend what I have not attacked. I have not attacked the Commission for doing that nor have I reflected upon them. I am pointing out that this is a great function which they are filling; and I was going on to say that in the resolution in which the Senator from South Carolina [Mr. TILLMAN] is so much interested, although he is such a relentless opponent of executive power, the Commission are specifically authorized and invited to suggest legislation to Congress.

Mr. DOLLIVER. Mr. President, I had that resolution in mind; and my recollection is that it passed the Senate by a unanimous vote of the body.

Mr. LODGE. It did; and I have not yet criticised the Commission. I am pointing out the duties which are placed upon them. Without that resolution, however, they have been doing that work; they have been—

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. With pleasure.

Mr. NEWLANDS. I wish to ask the Senator whether he bears in mind the fact that the original interstate-commerce act

calls upon the Interstate Commerce Commission to make recommendations to Congress from time to time in regard to legislation?

Mr. LODGE. I had forgotten that they were called upon to make recommendations to Congress. But I am finding no fault with their making recommendations. My point is that that body will have, in addition to the duties they have to perform under this act, very large additional duties in preparing legislation and advocating the enlargement of their own powers when they find them too small or are overruled by the courts.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I rise only to suggest that there is certainly a very wide difference that must be manifest to anyone the moment he thinks about it, between making an official recommendation, in accordance with the requirements of a statute, and organizing a propaganda, and in carrying out the particular purpose, writing, preparing, and distributing literature in behalf of a purpose connected with legislation.

I remember that during the last two or three years there has been a great outcry because the letter carriers of the United States have had the presumption to ask, through their organization, that their pay might be increased. That has been thought to be very wrong indeed, and they have been criticised and threatened with dismissal from the service if they persisted in it. That same rule has been applied to others who are engaged in the public service; and the rule prohibiting men who are engaged in the public service becoming the promoters of particular ideas with respect to legislation has been, as I think, generally approved.

I did not rise to criticise the Interstate Commerce Commission, but only to call attention to this fact. I know in all the newspapers it was commented on when this convention was held in Chicago last August, I think it was, that a representative of the Interstate Commerce Commission was there, acting as a sort of secretary; that he had much to do with the marshaling of many civic and commercial bodies and organizations that were represented there; and it was charged that some of them existed only on paper. I do not know what the fact is, but it showed how thoroughly an organization may be brought into bad repute when they go into that kind of business. I think it is bad practice.

Mr. LODGE. Mr. President, the resolution to which I referred authorized the Commission to make suggestions to Congress, and the Senator from Nevada [Mr. NEWLANDS] calls my attention to the fact that they were invited to give recommendations under the original law. I do not question their right at all, but I merely desired to point out that it was a very important duty to impose on any executive board.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. The Senator from Nevada having called attention to it, I have looked up the original act, and I find in it this section:

SEC. 21. That the Commission shall, on or before the 1st day of December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary.

Now, it has occurred to me—it is not my function or purpose to rush in to defend the Commission, and the Senator from Massachusetts says he is not attacking them—

Mr. LODGE. I have not attacked them.

Mr. TILLMAN. But the Senator from Ohio [Mr. FORAKER] has seemed to indulge in some very caustic criticisms. I want to remark that after the decision of the Supreme Court in 1897, practically destroying the Commission except as a body of statisticians and arbitrators or conciliators, as we have had them described in the Interstate Commerce Committee, these people, I presume, were afraid that their functions would become so useless that they would be legislated out of office some day, and they were probably considering whether or not they had not better hustle about and attract attention to the worthlessness of the Commission in order to let people see that, if they were to be of any use, there must be some amendment to the law.

Mr. LODGE. I think, Mr. President, that their minds probably worked very much in that way, but, of course, if it is to be held that when the court overrules a decision of some board of this kind, then the board is to immediately go to work and

get the law changed so as to accord with their view of it, there is nothing further to be said. The law and the recent resolution authorized them, invited them, to suggest legislation. I say it is an important duty. I do not find, however, in any law that they are called upon or invited to carry on a public agitation throughout the country, as they have done by writings, by speeches, and by circulars. That work has been done very actively and very thoroughly. In illustration of it I shall presently call attention to a speech which one of ablest and most distinguished of the Interstate Commerce Commissioners has recently made.

But my point now is this, Mr. President: If we are creating a board of Interstate Commerce Commissioners who are to be in the operation and discharge of their functions judge, jury, and prosecuting officer, resembling nothing that I can think of except the French *juge d'instruction*, if they have those multiplied powers, to begin with, and in addition are to be charged with preparing and recommending legislation for Congress, with making investigations into the general business of the country, and with carrying on a perpetual discussion about all railroad legislation, I say, Mr. President, we can not go too far in our effort to secure for those positions the highest talent and the highest character which the country affords.

Now, I desire to call attention a little in detail to the objects and purposes of this amendment:

Said Commission shall consist of nine members, one for and from each judicial circuit of the United States.

That is a rough way—the only way that suggested itself to me or to others—of getting a proper representation of the different sections of the country upon this Commission.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. Has the Senator examined to find out whether or not that would be giving a proper distribution of representation on the Commission?

Mr. LODGE. I said it was a rough way of reaching it. Unless we go to work and make up districts ourselves, and say there shall be one from each of the districts set forth in the act, I know of no better way of getting at it. It seems to me it is a desirable result, but if there is a better way of attaining it, and the Senator from South Carolina will suggest the method, I shall very gladly adopt it. My only desire is to get a proper representation of the different sections of the country.

Mr. TILLMAN. I had naturally drifted into the idea, along with others, that nine was a very desirable number of Commissioners. We think there ought to be an increase, and as there are nine judicial circuits, one from each circuit would probably distribute the members of the Commission geographically in a fair and proper manner; but I find such inequalities in the circuits as to population, area, railroad mileage, and the number of complaints that have come to the Interstate Commerce Commission, that it would seem, upon a little examination of a map which I had prepared, but can not put my hand on at the moment—I will get it before this debate is over—that that is wholly inappropriate and would be unfair and unwise. If we are going to say they must come from any particular place or section, we would have to divide the country anew. I will illustrate that by reciting from memory that I think the first judicial circuit has only about 6,000 miles of railroad in it, whereas there is a circuit down on the Gulf which has 30,000 miles of railroad in it. That is a mere illustration of the inequality that would come from judicial-circuit distribution. I will present the map later. I have had it prepared and will get it.

Mr. LODGE. It seems to me that business is a better test than mileage, but I am perfectly willing to accept any fair scheme which will distribute nine commissioners so as to give representation to the different sections of the country. I think that it is well to increase the number with that same purpose in view. Take as an illustration the present Commission, which consists of five members. There is one Commissioner from Vermont, one from close by in New York, one from Georgia, one from Missouri, and a new one from California has just been named. There is the great Middle West entirely without representation, and the Northwest, and a large part of the Southwest with no representation on that Commission. I doubt if it is possible with only five Commissioners to get any proper geographical distribution, and I think it is very desirable to have the different sections of the country represented. After all, the Commissioners are merely human—I do not wish to be thought to be making an attack upon them when I say that—and almost all human beings are more or less affected by the very human preference for the localities to which they are at-

tached, for the State which they represent, for the places where they were born, and so on. It would be very unnatural if they should not have preferences of that kind. Therefore, I think it is extremely important that there should be some distribution of the Commission, so that every portion of the country may be fairly represented on the board, either by judicial circuits or by such other arrangement by districts as we may make here. I have no doubt, as the Senator from South Carolina says, we can make much better ones than those which now exist in the judicial circuits.

Mr. TILLMAN. Mr. President, I merely want to suggest to the Senator, by way of letting his mind rest on that view in that connection, whether or not he regards this Commission as approximating in dignity and power and responsibility the Supreme Court?

Mr. LODGE. I think, Mr. President, that it has enormous power, but I do not think that it approximates in dignity or in weight to the Supreme Court, nor do I believe it can ever do so, for the very reasons which I have already suggested. It has neither the traditions nor the habits of a court, nor is it one of the great constitutional departments of the Government.

Mr. TILLMAN. With that I agree in some measure, but the responsibility which rests upon this Commission, or will rest upon it if we legislate along the lines we are contemplating, and the power it will have will be so great that I would regard it as the nearest in dignity and power to the Supreme Court of any department of the Government not mentioned in the Constitution. Of course, I probably ought to except the Senate and House of Representatives, which will create and govern that body; but, holding the view that I do, that this Commission is to be a body of great responsibility and power, with very large salary, and everything to lift it as far above partisanship and sectionalism as is possible, I would deprecate anything which would look like a recognition of sectionalism in its composition, if we can possibly get rid of it.

Mr. LODGE. Does the Senator from South Carolina think it would be a good idea to have all three Commissioners from the State of New York, for example?

Mr. TILLMAN. No, I should think it would be a good plan for the President to consider most carefully and seriously the make-up and antecedents of any man whom he might suggest to us for appointment on the Commission.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. With pleasure.

Mr. FORAKER. I can not resist the temptation, unless the Senator from Massachusetts objects to my interrupting him here, to say that I am in accord with the suggestion just now made by the Senator from South Carolina, that men should not be selected for this Commission, if we are to have one, representing the different sections. I say that, not alone upon argument, to which I have not time to resort, but rather upon experience. I do not know whether or not the Senator from Massachusetts is familiar with the Maximum Rate case, so called.

Mr. LODGE. I have read it.

Mr. FORAKER. We have, in the decision rendered in that case, an illustration of what the representation of sections will do, without anybody intending to do anything except only his full duty.

That was a case, as Senators will remember, in which the question before the Commission was whether the rates from Chicago and Cincinnati to Chattanooga, Atlanta, Rome, Meridian, Knoxville, and other places in that territory were relatively too high. The Commission found that they were. They ordered a reduction. I will go into this at length when I have the time. I merely want now to give the Senator the benefit of what is in my mind, if it shall be of any benefit.

The opinion was prepared by Mr. Clements, a member of the Interstate Commerce Commission, who resided at Rome, Ga. Now, Rome and Atlanta were common points. The rate from Cincinnati, for instance, to Atlanta and Rome was \$1.07. It was the same to both points. The rate was the same from Chicago to both Atlanta and Rome. They were common points. But they so worked it out, honestly, of course, Mr. President—I do not mean to reflect at all on Mr. Clements, who wrote the opinion—

Mr. LODGE. I trust the Senator from Ohio is not going to read the opinion.

Mr. FORAKER. I am not going to read the opinion, but I am going to state the result.

What was the result? To make it short, the Commission agreed—Mr. Clements wrote the opinion—that the rates were too high from Cincinnati and Chicago to Rome and Atlanta

and these other points, and they made a reduction. They reduced the rate, on an average, 19 per cent to all points except Rome, and reduced the rates to Rome nearly 29 per cent. In other words, the rate from Cincinnati to Rome and Atlanta was \$1.07. They reduced the rate from Cincinnati to Rome to 75 cents and to Atlanta to 86 cents. They worked that out according to a rule which they adopted. But it shows, whether consciously or not, that Mr. Clements was there, representing his section, determined to see that it had a square deal, and to give it a square deal. Rome, not the Rome that sat on her seven hills and from her throne of beauty ruled the earth, but Rome, sequestered in the foothills of northern Georgia, a common point with Atlanta, was given this greater reduction.

Mr. TILLMAN. Mr. President—

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. TILLMAN. The Senator from Massachusetts will permit me—

Mr. FORAKER. Now, I want to say—and then I will not interrupt the Senator from Massachusetts further unless I feel inclined to and he will allow me—that the vice of this whole business is the idea that the different sections have got to be represented, the different professions have got to be represented, the different political parties have got to be represented. What have parties and what have sections to do with the efficient discharge of this duty?

Mr. President, I shall contend at the proper time that if you are going to have a rate-making commission it shall be composed of three men, all of whom shall live in Washington, or some other place from which men can be chosen who are supposed to have no prejudices, no biases, no sections to represent, and who will be fair and honest toward all the interests involved.

Mr. LODGE. Mr. President—

Mr. BACON. I hope the Senator will permit me for just a moment.

Mr. TILLMAN. Will the Senator from Massachusetts indulge me for a moment?

The VICE-PRESIDENT. The Senator from Massachusetts has not yielded.

Mr. LODGE. I desire to reply to the Senator from Ohio before I yield to others.

The argument of the Senator from Ohio is mine. I think it leads directly to what I am advocating, because I do not believe we can find in this country three men or five men or nine men who are wholly devoid of local feeling and prejudice. I repeat, I think these gentlemen on the Interstate Commerce Commission are merely human, and the example of Rome, Ga., is a perfect example of exactly what I want to avoid by giving a representation to each section, so that there will be no possibility of favoritism to one town or one section over another, because the Commissioners will be able to balance each other and see that one section is not punished and another unduly benefited. I draw a different conclusion from the example which the Senator from Ohio has cited. It seems to me to argue my case and not his.

Now, Mr. President—

Mr. TILLMAN. Will the Senator indulge me a moment before he resumes his argument? I dislike to interrupt him.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I yield.

Mr. TILLMAN. I merely want to say that while I am in no sense a defender of Mr. Clements, I should like to know a little more in regard to this alleged favoritism to Rome.

Mr. LODGE. I wish the Senator from South Carolina would not discuss Mr. Clements and his favoritism in the middle of my speech. He can do it just as well later on.

Mr. TILLMAN. The Senator can strike out everything I say after I get through.

Mr. LODGE. That is a detail which we can take up subsequently.

Mr. TILLMAN. I think when Mr. Clements has been attacked, as I think probably unfairly, or—

Mr. FORAKER. I expressly stated that I was not making any attack upon Mr. Clements.

Mr. LODGE. I must proceed, Mr. President.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield further.

Mr. TILLMAN. Of course I must surrender, if the Senator from Massachusetts will not permit me to proceed.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield further.

Mr. LODGE. I think it is desirable to make this board, so far—

Mr. BACON. Mr. President, I do hope the Senator from Massachusetts will permit me to say a word for Mr. Clements

right in this connection. He has been assaulted here, and a very grave reflection has been made upon him. Certainly I will not occupy much of the time. I just want to say this—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I have made no reflection whatever upon Mr. Clements.

Mr. BACON. I know; but the Senator yielded to the Senator from Ohio, who did, and I think in the same connection—

Mr. LODGE. I had no idea what the Senator from Ohio was going to say.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. BACON. I simply want to say a word.

Mr. LODGE. I yield, certainly.

Mr. BACON. Mr. President, I do not propose to go into the discussion of the question as to the propriety of the ruling which was made. I have known Mr. Clements for a long time, and am perfectly certain that when the facts are ascertained there will be such an explanation of them as will relieve him absolutely of such reflection as that cast upon him by what has been said by the Senator from Ohio.

Mr. FORAKER rose.

Mr. BACON. The Senator will permit me for a moment. If the Senator from Ohio had simply sought to apply what has been done by the Commission to the contention that Mr. Clements naturally favored the section from which he came, that might have been so in accordance with what is human nature that no reply would have been needed. But the idea of suggesting that Mr. Clements, coming from Rome, was a party to the deliberate and intentional discrimination between Rome and Atlanta is utterly beyond all reason or possibility of correct foundation in fact or reason.

Mr. Clements has been a member of the Commission for fourteen years, and in all that period this is the first thing I have ever heard which in the least reflects upon him as a man finely fitted for his position, devoted to his duties, diligent, capable, honest, and impartial; and I am sure that an examination of his record will prove that I have in no manner overstated the estimate in which he is held, and is entitled to be held, by the public.

I think, so far as Atlanta and Rome are concerned, if the Senator from Ohio knew how big a place Atlanta is he would not for a moment suggest that anybody in the State of Georgia would discriminate against Atlanta in favor of any other locality, even if he lived in the latter.

Mr. FORAKER. Mr. President, I fully subscribe to all that the Senator from Georgia has said in favor of Mr. Clements. I know Mr. Clements and I have a high regard for him, and I was particular to say that Mr. Clements in making this decision acted honestly and in accordance with the rule which he and the Commission had adopted, but which worked out this particular result.

But nevertheless the fact remains, as the result of what they did, that Rome did get this exceptional benefit, which does look like a discrimination, and which was regarded as a discrimination by all the interested cities at the time the order was made.

Mr. BACON. But if it was the unanimous act of the Commission, how can it be that it was influenced by the fact that Mr. Clements lived in Rome? It seems to me that defeats the entire contention of the Senator, unless he means to say that Mr. Clements's influence over the Commission was so great that he could secure from them a unanimous ruling in favor of the small town of Rome.

Mr. FORAKER. I mentioned that simply as a coincidence—

Mr. LODGE. Mr. President, I must decline to yield any further to a discussion about Mr. Clements.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield further.

Mr. LODGE. We have now heard from the complainant and from the defense, and I think the question may rest there.

Whether we can remove the Commission from undue geographical considerations or not, I think everybody will agree that it is in the highest degree desirable to put them as far away as possible from geographical considerations, and also whether we get the three archangels, whom the Senator from Ohio is going to have, living in Washington, or whether we get merely nine honest and able American citizens, I regard it as highly important to put them by their tenure and by their salary and by all the dignity we can confer upon the office as far beyond the effect of geographical considerations or public clamor as it is possible to place them.

We are all susceptible to public clamor as well as to local patriotism. That is a weakness of human nature. Senators will remember an illustration of it in Pickwick, when Mr. Pick-

wick and his friends went down to see the election at Eatonswill. When they arrived there was a mob in the street, which called upon them to cheer for Slumpkey. Under Mr. Pickwick's lead they all cheered for Slumpkey. "Who is Slumpkey," whispered Mr. Tupman. "Hush," said Mr. Pickwick; "I do not know, but I have observed that under these circumstances it is generally wise to do what the mob do." "But," said Mr. Snodgrass, "suppose there are two mobs?" "Shout with the larger," said Mr. Pickwick. Volumes could not have said more.

Mr. Pickwick, who was a very wise man, pointed out a common weakness of human nature. There is a tendency always to shout with the largest crowd. I wish to see the Commission raised as far as possible to a point where they will be not susceptible to public clamor, where they can decide these great questions with an eye single to the public good, and with an absolute regard for the rights of all who are involved.

I have also provided in this amendment that three of the Commissioners shall be lawyers. There have been forty-three cases taken up from the Commission to the Supreme Court. In thirty of these the Commission has been overruled; in only two affirmed. The cases that were not taken up were really more in the nature of arbitration. I think it would be desirable to have men to interpret the law under which they act who could make a little better percentage of affirmations in the Supreme Court when their cases were taken up for review.

The term of the Commissioners is made long by my amendment for the same reason that the salary is made high, in the hope of securing the very best men.

I have also proposed that three Commissioners shall be men who have had experience in railroad management and operation. It seems to me it is very desirable to have on the Commission men who know something about the practical operation of railroads. Mere hostility to railroads does not seem to me a sufficient qualification in itself for passing upon these great questions. I think we need more knowledge than that. In my opinion we require on the Commission a knowledge of law and good lawyers. I think that they also should have a knowledge of railroads. Let the other three members be simply laymen without special knowledge, if you please, or without special training either in law or railroads. In suggesting that the chairman of the Commission shall be a lawyer, I merely follow the English precedent, where the railway commission court has for its presiding officer one of the judges of the highest court, recognizing in that way the importance of great legal ability when it comes to the decision of these important questions.

Mr. President, I think it is a good rule, whenever Congress confers great powers, to guard them well, and I would guard them here, first, by the character and ability of the Commission, and then by assuring to all who come before the Commission their day in court afterwards if they are dissatisfied with the Commission's ruling.

In the speech which I made some little time ago on this same question I made no allusion to any local or sectional aspect which it might present. We in New England believe that the prosperity of one part of the country makes for the prosperity of all. We can not conceive that we should prosper while the rest of the country or any other important part of the country was suffering from adversity. At the same time to every section of this country the powers conferred on the Commission are a matter of great moment, and I desire, if I may so far trespass on the patience of the Senate, to point out the nature of the importance this bill possesses to that part of the country from which I come.

One of the railroad Commissioners, Mr. Prouty, has recently been making speeches in New England, and he made one speech in Boston in which he took occasion to point out how mistaken the attitude of the New England Senators and Representatives was in regard to this bill. I do not know that he was quite clear as to just what our position was, but he certainly thought we were making a mistake. His speech was widely read. It might, if unanswered, give a very false impression of the attitude of New England Senators and Representatives, and I do not think it states very fairly the condition of New England in relation to this question. There is no part of the country which so much requires proper regulation of railroads as New England, and there is no part of the country which would suffer more from a misuse or abuse of the powers conferred by this proposed act than the New England States.

Mr. Prouty in his Boston speech took occasion to point out how much better off New England would be if she only could have a railroad commission here in Washington, if not at home, vested with great powers; and in order to show our depressed and unfortunate condition he took as a standard of comparison the State of Iowa and the Kingdom of Prussia, or, rather, Germany. He wished to suggest how much better off

we would be if we only had the laws of Iowa or the laws of Germany in regard to our railroads.

Mr. President, the comparison with Iowa is a severe one for Massachusetts or any one of the little New England States to encounter. Iowa is a great State of over 55,000 square miles. There is probably no spot in the world that has a richer soil. It is a beautiful State. It has great deposits of coal. It has enormous natural endowments. It is equally fortunate in the character of its population. There is no State in the Union with a finer or better population than that of the State of Iowa. There is no State which has been more strongly or powerfully represented in the National Government than the State of Iowa from the day when she first entered the Union. At this moment there are two representatives of that great State in the Cabinet. The leader of the Senate, honored and beloved by all Senators on both sides, is the senior Senator from Iowa [Mr. ALLISON]. The name which this bill bears is that of a distinguished Member of the House of Representatives from the same State. No State is more fortunate in its natural gifts and in the ability and character of its people than that great State of Iowa, in the heart of the country.

As to Massachusetts, Mr. President, we are very proud of our old State; very proud of its great history, and of the men who have made that history. But it is a small State. It has only about 8,000 square miles. It has not a fertile soil. It has no mines. It is dependent on its sister States for all the materials which it works up into finished products in its many industries. Certainly, Mr. President, if the legislation of Massachusetts is bad, no State ought to show it so quickly or be so sensitive to it.

Yet, Mr. President, I turn for comparison in population to the census of 1905, which was taken during the past year in Massachusetts and also in Iowa, and I find, according to the statement furnished me by the Director of the Census, that the population of the State of Iowa, according to the State census of 1905, was 2,210,000, and in 1900, according to the returns of the Twelfth Census, it was 2,231,000, a loss in five years of 21,000. The population of Massachusetts, according to the census of 1900, was 2,805,000. The population in the past year was shown by the State census to be 3,003,000. The State of Massachusetts gained practically 200,000 people in the last five years, while the State of Iowa appears on the face of the census reports to have lost 21,000.

Mr. President, those figures, considering the enormous natural advantages of the State of Iowa, a great State, six times as large as the State of Massachusetts, certainly, I think, disprove the proposition of Mr. Prouty that we are suffering in Massachusetts from injurious or ineffective legislation or that we are in sore need of more and new legislation to save us from ruin. We have a railway commission in Massachusetts. We were one of the earliest States to adopt such a commission. It does not undertake to fix rates. It advises the rate to be made and trusts to publicity. Our law has been copied in England. It is a law praised by Mr. Acworth in his testimony as a model law on the subject of railroads, and under that law the State has suffered as little from railroad discrimination, I will venture to say, and has come less, I am sure, to the Interstate Commerce Commission for relief than almost any other State in the Union.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I do.

Mr. NEWLANDS. The Senator from Massachusetts has called attention to the fact that Massachusetts has gone ahead while Iowa has retrograded in population during the past five years, notwithstanding the fact that the State of Iowa has great natural advantages and great natural wealth that Massachusetts does not have.

I would ask the Senator from Massachusetts whether that might not be attributed to the economic policy of the country, which, through a high tariff, has protected the special industries of Massachusetts unduly, building up wealth and population there; and also whether the financial control of the railroad systems of the country, largely centered in Massachusetts, New York, and States adjoining, has not resulted in such an adjustment of rates as to drain the wealth from the interior of the country to Massachusetts and adjoining States?

Mr. LODGE. Mr. President, I will not enter into a tariff discussion at this point. In regard to the railroad rates, Mr. Prouty's argument, made in Boston, was that New England would be a great deal better off if she could only have an interstate commerce commission with larger powers; that they would give her better rates than she has now. That was his whole argument as addressed to New England, and it was an abso-

lutely sectional appeal. He took his hearers up into a high mountain at the board of trade dinner and showed them all the glories he was going to confer upon them when these enlarged powers were placed in the hands of the Interstate Commerce Commission. He did not take the view of the Senator from Nevada, that Massachusetts has been making rates favorable to herself, and I never heard anybody suggest for a moment that such rates were made by the railroads.

Mr. NEWLANDS. Mr. President, there was some testimony by Mr. Tuttle, of the Boston and Maine system, before our committee, Mr. Tuttle being one of the most intelligent and capable railroad men in the country, showing that Massachusetts had a watchful eye regarding the rates throughout the entire country; and the rates were so adjusted through the control of different railway systems as to secure a market for Massachusetts products in far-distant States. Whether that adjustment was right or wrong, I do not pretend to say, but it is very evident throughout the testimony that through the great railway managers who control these great systems (and recollect that the financial control is all in a very small area—New York, Massachusetts, and Pennsylvania) there is an organized system of so adjusting the rates as to advance these States of great population and wealth.

Mr. LODGE. Mr. President, I have failed signally in my attempt to convey my meaning to the Senator from Nevada. Mr. Prouty's argument in New England was that New England was suffering from undue discrimination, and he used as an argument that the rates in Iowa and the rates in Germany were a great deal lower than they were in New England. That is his argument. I leave the Senator from Nevada to discuss that with Mr. Prouty himself. What I want to show is that though the rates in New England are somewhat higher than they are in Iowa, Mr. Prouty did not have his facts quite correct, and that there is a good deal to be said by way of explanation.

In the first place, Mr. President, it was much more expensive to build the railroads of New England than to build the railroads in the West. It was an old, settled community. The land damages were very great and in a thousand ways the expenses of the railroads in New England far surpass those of roads in the newer parts of the country. For instance, this one single item will show what I mean. When the railroads began in Massachusetts and in New England generally they ran at grade crossings everywhere. The country was not then as thickly settled as it is now, but with the growth of population this condition became intolerable. We have therefore compelled the railroads to abolish those grade crossings, and in the last fifteen years the railroads have expended in Massachusetts \$14,000,000 in abolishing grade crossings alone, having been forced to do it by acts of the legislature. Then, under our law we have no stock or bonds in any of our railroads which do not represent absolutely paid-up capital. There is no watered stock in the railroads. It has all been paid up under our corporation act. In order to earn even a very moderate dividend on these railroads it is absolutely necessary that the charges should be somewhat higher than in portions of the country where the original cost was very much less. It is also to be remembered that the Federal Government gave the Iowa railroads land of enormous value to assist them in the work of construction. A writer in the United States Investor for September 2, 1899, estimates that over 6,000,000 acres, about the area of the State of Massachusetts, was given by the Federal Government to the railroads of Iowa. In the same journal for November 25, 1899, Mr. W. W. Baldwin, the present assistant to the president of the Chicago, Burlington and Quincy Railroad, estimated that the grant was about 2,700,000 acres, or about half the area of Massachusetts. Of course in the old States there were no such aids to railroad building; there could not be in the nature of things.

Mr. Prouty takes as his principal standard of comparison the railroad haul from Boston to Newport, Vt., the town in which he lives, a small town near the Canadian line, I think. When he compares the railroad haul from Boston to Newport—250 miles—with the same distance in Iowa, it is almost as if one should compare an absolutely flat surface with the same distance measured up a mountain. In other words, the grades in Massachusetts have made the railroads very much more expensive. I have not been able to get any full information on the subject, but I believe that the grades in Iowa are practically nothing as compared with New England. For example, in going from Boston to Newport, Vt., over the White Mountain division, the train has to cross Warren Summit, where the altitude is 1,090 feet, thence it descends, and in going over the Passumpsic division it again reaches the altitude of 1,150 feet. It finally reaches Newport, which is at a level of 950 feet. If the freight trains should go over the Concord divi-

sion they would have to go over Canaan Summit, which is 956 feet high, and then descending it must go over the Passumpsic division at the height of 1,150 feet. Such grades as these have added, of course, enormously, as I have just said, to the expense of the roads.

Without undertaking to discuss in detail all the intimations made by Mr. Prouty as to what the Commission would do in the way of reducing freight rates for the benefit of New England if it had the power, I was interested particularly by his suggestion that if this Interstate Commerce Commission secured its enlarged powers there ought to be a reduction of "millions of dollars" a year in the rates on coal consumed in New England. He explains that this reduction would not fall on the New England roads, but on the great coal-carrying roads of the country, mentioning the Delaware, Lackawanna and Western, the Reading, the Pennsylvania, the Baltimore and Ohio, the Norfolk and Western, and the Chesapeake and Ohio. Yet the Senator from Nevada a moment ago was pointing out to me that Massachusetts and New York control these railroads and were able to get low rates, and that is the reason why there was a prosperous and growing population. Here Mr. Prouty comes along and says that under a properly administered Interstate Commerce Commission there ought to be a saving of millions of dollars a year taken out of the coal roads outside of Massachusetts and New England. It is perfectly evident that if the charges of these roads on that proportion of their coal traffic destined for New England should be reduced proportionate reductions would have to be made on all their coal traffic, and if the reduction to New England alone should amount to millions of dollars, the total reduction would amount to many millions more. It will be remembered that when a delegation of railway employees called on the President and stated their objections to rate-making legislation he assured them that there would be no such reductions of rates as would affect their wages, and the advocates of this legislation have uniformly made light of the argument that it would endanger either the wages of employees or the incomes of the owners of railway securities. But if, according to Mr. Prouty, when they get new powers and begin to benefit New England by their rulings "millions of dollars" are to be cut off of the incomes of the roads on one item of traffic alone it must be apparent that this could not be carried very far without reducing wages and endangering dividends and interests on bonds.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. If it will not interrupt the Senator from Massachusetts, I call his attention in this connection to the fact that the only provision made in the Hepburn bill under which rates can be affected is a provision providing for the reduction of rates or the fixing of a maximum rate, which is generally regarded as a provision for reducing, because nobody expects the Commission to make rates higher. So there could not be any action taken by the Commission to relieve the people of the great burden that the Senator from South Carolina has so frequently referred to, except in the direction of reducing rates and reducing revenues, and thereby bringing about the result that the railroad men on the occasion mentioned were complaining of.

Mr. LODGE. These coal rates are one special grievance from which Mr. Prouty proposes to relieve New England, and he makes it appear that rates on coal to New England are higher than the coal rates either in Prussia or in Iowa. Assuming that the rates he cites are correct, I call attention to some testimony before the committee. Mr. H. S. Rand, president of the Burlington Lumber Company, in a letter to the Senate Committee on Interstate Commerce (pp. 3368 et seq., Report of Hearings), indicates that the Iowa coal rates are far from satisfactory to people doing business in Iowa. He says, on page 3371:

Owing to the above, the Iowa rates on coal to Burlington are so high that our factories get their supply from Illinois.

He cites rates from Dunfermline, Ill., to Burlington, 88 miles, 85 cents per ton; from Peoria, Ill., 96 miles, 85 cents, and contrasts these with rates made by the Iowa commission from Avery, Iowa, to Burlington, 93 miles, 97 cents, and from Oskaloosa, Iowa, 105 miles, \$1.01. In his testimony before the committee, on page 2194, Mr. Rand says:

The principal reason why we do not have more manufacturing in Iowa is that it is more profitable to put your money into farming. Another reason is the inelasticity of our Iowa distance tariff—

Exactly what happened, if he is right, in every country in Europe where there are fixed Government rates—

and another reason is that when you want outside people to come in and go into manufacturing they always find this Iowa distance—

tariff law, and they say: "If you are fools enough to make that kind of a law we will not live with you."

Mr. G. W. Trayer, engaged in coal mining in Illinois and Iowa, gave some interesting testimony (pp. 2224 et seq.) on the effect of Iowa rates on the coal business in that State. On page 2225 he said:

Instead of being manufactured at home with Iowa coal, Iowa corn and live stock are mainly sent out of the State, where Iowa coal can not naturally reach the manufacturer of them, or it is prevented in part by the same rate disabilities which sent the corn and live stock away. Missouri and Kansas coal go into Omaha on as favorable terms and relatively more favorable terms than Iowa coal does, and Missouri and Kansas coal go clear up to Sioux City on relatively more favorable terms. I am not speaking of absolute rates; I am speaking of relatively more favorable terms.

Mr. Murray Carleton, on page 2519, testified:

In Iowa, where rates are made by a State commission, the inelastic nature of the tariff, based only on distance, has driven practically everything except agriculture and mercantile business out of the State.

He quotes from the Des Moines Daily Capital of February 4, 1902, to show that the Iowa law is retarding the development of that State. Mr. E. T. Koch, traffic manager of T. M. Sinclair & Co., pork and beef packers at Cedar Rapids, Iowa (pp. 3320 et seq.), at the bottom of page 3323, said:

It is the railroads' arrangement of rates outside the State that makes it possible for the pork-packing industries within the State to thrive.

Then Mr. Prouty took up the cotton-manufacturing industry in New England, and intimated that New England was not treated fairly by the railroads, and suggesting that if the Hepburn bill should be passed the Commission would readjust the rates for the benefit of the cotton mills. The mills now have the advantage of water rates for their raw material, but their rates on finished goods are not so low relatively as Mr. Prouty thinks they should be, and he intimates that he would cut them to a level proportionately as far below first-class rates as the rates from southern mills are below first-class rates from southern points.

One of the points he made is that when they reduced rates from Atlanta to Chicago they reduced them more than they did the eastern rate, although by doing so the goods from Atlanta and Massachusetts came into Chicago on an equality. In this new proposition he would abandon considerations of distance, for the distance from Atlanta to Chicago is 275 miles shorter than the distance from New England. Notwithstanding this greater distance from the New England mills, he does not apparently believe that the southern roads should be permitted to make rates enabling southern cotton goods to compete in Chicago on equal terms with those of New England. They go in now on a parity, and he would have his audience believe that the Commission would interfere with the making of such rates as those on cotton goods from Atlanta when they are to the disadvantage of New England, but that when low rates are made to enable New England industries to compete on an equality in distant markets the Commission would not disturb the adjustment. He refers, for instance, to the rate on paper from Rumford Falls, Maine, to Chicago. He said:

That strikes me as an exceptional rate, made undoubtedly to enable the manufacturer at Rumford Falls to meet in the Chicago market the manufacturer of Wisconsin and Minnesota. Similar special rates exist in all parts of this country—

I am quoting from Mr. Prouty—

There is nothing in this proposed legislation which would in the slightest degree interfere with the maintenance of that rate or any corresponding rate.

It is a rate so low that he felt bound to call attention to it, but this statement as to the Rumford Falls rate can be reconciled with what Mr. Prouty said about the cotton-goods rates only on the assumption that his intimation that those rates would be reduced was merely meant to please his audience, or that he really believes—which I can not imagine—that the Commission would be influenced by sectional considerations and would interfere with rate adjustments enabling the South to compete on an equality with New England, but would not interfere with those enabling New England to compete on an equality with Wisconsin and Minnesota.

He also makes a suggestion in regard to boots and shoes, an enormous interest in New England, and especially in Massachusetts. It is hard to tell just what Mr. Prouty means in his reference to boots and shoes. He says he has a complaint that the classification is unjust. If he has, that is a matter which the Commission can deal with under the present law, for the United States court in Cincinnati, in the Proctor & Gamble case, recently sustained an order of the Commission changing the classification of soap in less than carload lots. If, then, there is a grievance and a complaint about boots and shoes in New England, as Mr. Prouty says there is, why does not his Commission remedy it now?

I will now give some detailed comparisons with rates in New England and Iowa in order to show how valueless comparisons are which are made on isolated examples.

No one denies that the average rates in New England are higher than in Iowa for the reasons I have already given as to the grades, cost of service, etc. If, however, one was to make comparisons, as Mr. Prouty does in his Boston speech, it is possible to make a very specious argument, taking the following samples of unusually low New England rates to show that because of the inefficiency of the Iowa State commission rates were very much higher than in New England. Eighty-five per cent of the railroad business in Iowa is through business, only 15 per cent being local. Taking New England, however, as one State about the size of Iowa, as Mr. Prouty did, it is a fact that about 80 per cent of the revenue of the Boston and Maine system would be local and only 20 per cent through traffic.

The following is a memorandum of low rates in force on the Boston and Maine Railroad, and if they stood alone and were used as Mr. Prouty used his examples, they would give an impression the reverse of that which he was seeking to convey:

Rate on crush stone, any distance over 100 miles and not over 150 miles, 75 cents per gross ton, carloads of 20 gross tons or more.

Rate on manure, any distance over 190 miles and not over 200 miles, 7½ cents per 100 pounds, carloads of 30,000 pounds or more.

Rate on slab wood and edgings from Newport, Vt., to Boston, Mass., \$18.24 for not exceeding 30,000 pounds. The distance from Newport, Vt., to Boston, Mass., is 250 miles.

Rate on iron pyrites, Charlemont, Mass., to Boston, Mass., 87½ cents per gross ton of 2,240 pounds, carloads of 20 gross tons or more; distance, Charlemont, Mass., to Boston, 127 miles.

Rate on sand-struck brick, Mechanicsville, N. Y., to Boston, Mass., \$1.80 per thousand, weighing between 4,500 and 5,000 pounds per thousand brick; distance, Mechanicsville, N. Y., to Boston, 189 miles.

Rate on import clay, Boston, Mass., to Mechanicsville, N. Y., carloads of 30,000 pounds or more, 10 cents per 100 pounds, a distance of 189 miles.

Class rates from Rockland, Me., to Pittsburg, Pa., a distance of 955 miles are:

1	2	3	4	5	6	cents, and from Brunswick, Me., to Palatine Bridge, N. Y., via Rotterdam Junction and the West Shore Railroad, class rates are:
50	43	33	24	20½	17	

1	2	3	4	5	6	cents for a distance of 373 miles.
38	32	26	19½	17	15	

It is hardly fair to draw any comparison between the rates on agricultural products transported in New England with the rates charged on similar commodities shipped within the State limits of Iowa. On the main lines of the railroads in Iowa the freight trains will haul from 2,000 to 2,800 tons gross in one train, whereas on the different divisions of the Boston and Maine Railroad they can not haul to a train a greater average than 1,000 tons gross, excepting on the southern division, from Concord, N. H., to Boston, where they haul about 1,800 tons gross. Let me take now some of Mr. Prouty's examples and examine them from the New England standpoint.

The rate on potatoes, carloads, from Newport, Vt., to Boston is 17 cents per 100 pounds—not 19 cents, as stated by Mr. Prouty. This 17-cent rate extends as far north as Sherbrooke, Province of Quebec, a distance of 273 miles from Boston, and to Swanton, Vt., a distance of 286 miles from Boston. The rate from points in northern Aroostook County, Me., to Boston is 21 cents per 100 pounds, as stated by Mr. Prouty, but there is in force a rate of 26 cents per 100 pounds, all rail, to Pier 50, East River, New York, the distance being 636 miles. Rate of 29½ cents per 100 pounds, quoted by Mr. Prouty, applies to Thirty-third street, New York City, via Troy, N. Y., and the New York Central Railroad. The distance is 736 miles, and the higher rate is charged on account of the increased distance and the added terminal charges of the delivering railroad. The supply of potatoes for the Boston market comes principally from Aroostook County, Me., the shipments from Vermont being limited. Considerable quantities are shipped from points in New York. The rate from a point in New York 250 miles from Boston, the same distance as from Newport to Boston, is 17 cents per 100 pounds, the same as the Newport rate, but a rate of 18½ cents per 100 pounds extends across the State of New York as far as Buffalo, a distance of nearly 500 miles. The rate from Ogdensburg, N. Y., to Boston, not to be exceeded from intermediate stations on the Rutland Railroad, a distance of 393 miles, is 17 cents per 100 pounds.

The rate on hay—carloads—Newport, Vt., to Boston, is 17 cents per 100 pounds, as stated by Mr. Prouty. This same rate extends to Sherbrooke, Province of Quebec, and Swanton, Vt., and an 18-cent rate extends beyond Sherbrooke, as far as Levis, Province of Quebec, a distance of 416 miles from Boston. An 18-cent rate also extends as far west as Ogdensburg, N. Y., on the Rutland Railroad, 393 miles, and an 18½-cent rate as far west as Buffalo, about 500 miles. Very little hay is shipped from Newport and vicinity, it being a dairy country, and the

hay is principally consumed on the farms. Last year there were shipped, all told, out of Newport, ten carloads of hay.

In establishing rates on such commodities as hay and potatoes, it is necessary, on account of commercial conditions, to have substantially the same rate cover a large area of territory, so that it would not be fair to cite a rate on hay and potatoes from a point like Newport, Vt., 250 miles from Boston, without considering the rates made from the entire territory from which the great bulk of the commodities is shipped. Mr. Prouty has explained the principle involved, in his reference to the milk case, in which he stated that beyond a distance of 190 miles the carriers might charge the same rate, no matter what the distance was.

It is true, as stated by Mr. Prouty, that the rate on lumber from Newport, Vt., to Hartford, Conn., a distance of 256 miles, is 15 cents per 100 pounds, but this same rate extends to Hoboken, N. J., via Rotterdam Junction, N. Y., and the West Shore Railroad, a distance of 450 miles; while a carload of lumber can be shipped from Newport to Pittsburg, Pa., a distance of 800 miles, at a rate of 17 cents per 100 pounds.

Mr. Prouty stated that the carload rate on butter, Newport to Boston, was 46 cents per 100 pounds. No one ever shipped a carload of butter from Newport to Boston to any one consignee. Butter is shipped from several different shippers to several different parties, in less than carload lots, and the rate is 45 cents per 100 pounds. A special butter train is run weekly throughout the year. The butter is picked up in small lots at all points along the line of the Passumpsic division, reaching Boston ready for early morning delivery the following day. In the summer time refrigerator cars are furnished, and every possible attention is given to this important traffic. Considering the service performed and the fact that the shipments are never made in carload lots, the 45-cent rate appears to be a reasonable one.

Mr. Prouty also said:

It is possible that rates can be found which are lower for corresponding distances in New England than they are in either Iowa or Prussia. I know of none.

One of the great industries of Vermont is the granite business, considerable quantities of which are shipped from Mr. Prouty's home town—Newport, Vt. There is a rate in force on building stone, carloads, Newport to Albany, N. Y., of \$1.26 per ton, divided among two railroads, and netting the Boston and Maine Railroad 96 cents per ton for its haul of 278 miles, from Newport to Troy, N. Y. This pays the Boston and Maine Railroad a rate of 3 mills per ton per mile. There is also a rate of 18 cents per 100 pounds on building stone, carloads, Newport to Chicago, Ill., via Sherbrooke, Province of Quebec, and Grand Trunk Railway, a distance of 981 miles, 3.67 mills per ton per mile; also a rate of 6 cents per 100 pounds on paving and curbing stone, carloads, Newport to Troy, N. Y., a distance of 278 miles, 4 mills per ton per mile; also a rate of 15 cents per 100 pounds on building stone, carloads, Newport to Pittsburg, Pa., a distance of 800 miles, 3.71 mills per ton per mile. Perhaps rates lower than three and four-tenths of a cent per ton per mile can be found in Iowa and Germany, but they certainly do not show themselves at once to the investigator in either case.

Now, let us look at Mr. Prouty's argument from the Iowa side so far as I have been able to get the figures. The rate on potatoes, let me say in passing, for 250 miles in Iowa is 13.05 cents instead of 12½ cents, as stated by Mr. Prouty. It is not fair, however, to draw any comparisons between rates on agricultural products applicable in the mountainous and rough New England States, where the cost of building railroads and operating railroads is very many times greater than in Iowa, and whose principal industry is manufacturing, with the rates applicable in the flat prairie State of Iowa, where on the main lines of our railroads freight trains of from 2,000 to 2,800 tons gross are hauled in one train, where there is practically no industry except agriculture, and where the entire traffic originating in the State is composed of farm products of one kind or another. It would be just as fair to compare the average yield of farm products per acre of the total acreage of the State of Vermont with the average yield per acre in Iowa.

On potatoes and hay the comparison seems to be very unfavorable to New England, but probably not more so than the relative tonnage and importance of the agricultural products to the entire tonnage moved in Iowa and in the New England States or the tonnage of these commodities raised in Iowa and in New England. Hay is one of the most important crops of that State. The principal market for Iowa hay is in the far South and East, where the mileage is very long, and the rates to these markets have to be on a very low basis to permit the marketing of hay at all. It is probable that the low rates made for long mileages over which hay is actually moved largely influenced the Commission in the low rates which they made on

State business and on which very little hay is shipped, each section of Iowa producing all the hay required for local consumption.

Butter rates in Iowa are very low, as any butter moved in this State in carloads is not for consumption, but is for concentration, to be reshipped later to eastern cities, principally New York, Philadelphia, and Baltimore.

On lumber carloads the New England rates compare very favorably with Iowa rates, taking into consideration the cost of construction and cost of operation of New England railroads.

Mr. Prouty states that there is now very little claim on the part of the Iowa railroads that these Iowa rates are too low. Yet the railroads refuse to accept on interstate business—which is naturally long-haul business which justifies the railroads in handling it at a lower rate per ton per mile than should in all fairness be charged on short-haul business—as their fair proportion, the rates fixed by the Commissioners, and in many instances their proportion of such interstate rates on the usually accepted bases of divisions gives them higher earnings than would the Commissioners' rates. This is recognized by connecting railroads not reaching Iowa and who do not demand of the Iowa lines that they accept for their earnings the State rates, nor do the railroads permit of the application on interstate traffic of the combination of rates on stations situated on the Iowa State line where such combinations would make a lower through rate on interstate traffic than that authorized in the regularly published interstate tariffs. The reason that the low rates of Iowa have not seriously embarrassed the railroads is that only a very small percentage of the traffic handled in this State is local within the State. About 85 per cent of the traffic is said to be interstate and consequently not affected by the Commissioners' rates. Furthermore and most important, these low rates have prevented the railroads from making any joint rates locally in the State of Iowa, on the ground that the Commissioners' rates are so unreasonably low that no railroad can afford to accept any less than these rates in the forming of joint through rates between points on two different railroads, and a rate from a point on one railroad to a point on another railroad is made by adding the rates to and from the junction point of the two lines, there being no joint rates or through rates applicable over the continuous mileage of two different railroads.

Let us apply the Iowa conditions to the less than carload shipments of copper wire, dynamos, etc., referred to by Mr. Prouty, and the rates would be as follows:

On copper wire, less than a carload, from Providence, R. I., of which Phillipsdale is practically a suburb, to Bradford, Vt., the rate would be on the Iowa basis as just described:

	Miles.	Cents.
Providence to Boston, via the N. Y., N. H. & H.....	45	16.48
Boston to Bradford, Vt.....	173	27.75
Through	218	44.24

Instead of 32.16 cents, as stated by Mr. Prouty.

On dynamos and transformers, less than carload, from Pittsfield, Mass., to Bradford, Vt., the rate would be:

	Miles.	Cents.
Pittsfield, Mass., to Springfield, Mass., via the Boston and Albany.....	52	20.4
Springfield, Mass., to Bradford, Vt.....	247	48
Through.....	299	68.4

Instead of 54.4 cents, as stated by Mr. Prouty.

Carrying this principle still further, the rates from Newport, Vt., to New York, via the most direct lines, would be made as follows on the Iowa basis:

POTATOES (CARLOADS).

	Miles.	Cents.
Newport to Springfield, Mass., via Boston and Maine.....	324	16.5
Springfield to New York, via New York, New Haven and Hartford.....	136	8.8
Through	460	25.3

HAY (CARLOADS).

	Miles.	Cents.
Newport to Springfield.....	324	14
Springfield to New York.....	136	7.36
Through	460	21.36

BUTTER (CARLOADS).

	Miles.	Cents.
Newport to Springfield	324	31.5
Springfield to New York	136	18.8
Through	460	50.3

LUMBER (CARLOADS).

	Miles.	Cents.
Newport to Springfield	324	11.13
Springfield to New York	136	7.18
Through	460	18.31

In the opposite direction:

FERTILIZER (CARLOADS).

	Miles.	Cents.
New York to Springfield	136	6.24
Springfield to New York	324	12.50
Through	460	18.74

SUGAR (CARLOADS).

	Miles.	Cents.
New York to Springfield	136	10.72
Springfield to New York	324	21.50
Through	460	32.22

I wish now to say a single word in regard to the comparison with Prussia. I have seen much discussion and have read a number of answers to Mr. Meyer's book, and I have seen extracts from the report of the Prussian commissioners to which the Senator from South Carolina [Mr. TILLMAN] referred when I spoke before, and I have not yet seen anything which meets the main point that I then made. They upset Mr. Meyer's proposition about milk rates into Berlin, a point to which I did not allude and which seemed to me of no great moment, but they do not touch the main argument which I ventured to offer when I discussed that question before.

In making any comparison with a European country let me say at the outset we overlook too much the fact that we are dealing with a huge system in this country, a system of 212,000 miles—more than all Europe—while all these systems of individual countries in Europe are little systems easily managed in comparison with ours. This fact ought always to be kept steadily in mind in this discussion of comparative rates.

I know of no publication in this country giving details as to Prussian rates by which Mr. Prouty's figures can be checked. I understand that the Commission sent a man abroad last summer and it is probable that these figures were obtained by him. In any event Mr. Prouty's use of the figures is such as to create the impression that Prussian rates are lower than those in New England or in Iowa. They seem to be so in the specific cases which he cites. Yet the fact remains that the average rate per ton per mile in Prussia is far above the average rate in the United States. Mr. Prouty does not think that comparison should be made on the ton-mile basis, but that basis seems to me to be the only one on which intelligent comparisons of average rates can be made. It is undoubtedly true that the average in America is brought down by the large volume of long-distance low-class traffic. Mr. Prouty would have us believe that the rates in Prussia are not similarly reduced by low-class traffic because that traffic in Prussia moves by water. I am satisfied from my own investigations that the reason is just the other way and that the low-class traffic in Germany goes by water because the railroad rates are high.

Mr. Prouty says that the fact that there are no express companies in Prussia has the effect of increasing the average ton-mile rate, as small packages are handled by rail on express time and at higher rates than are charged for ordinary service. He says nothing of the fact that the German Government operates a parcels-post service, carrying packages up to 110 pounds in weight (50 kilos) (see Pratt's Railways and their Rates), and that the great bulk of the business done by express companies in the United States is done by the parcels post in Germany, which is excluded from computation because it is government postal business, thus lowering the average returned rate. Moreover, if it is fair to direct attention to the fact that the average Prussian rate is increased by the higher charges for fast freight, it is equally fair to direct attention to the way in which the average rate in the United States is increased by fast-freight service in this country, such as the

fruit and vegetable trains, that are moved on schedules faster than those of many passenger trains and on which the rate per ton per mile is far in excess of the average for the United States. Taking these things into consideration, the comparison based on rates per ton-mile is not unjust to Germany. As a matter of fact, German rates ought to be lower than those in the United States. Germany as a whole is a much more densely populated country and ought to have a much greater density of railroad traffic, and density of traffic is the most powerful factor in rate reduction. Another reason why rates should be lower in Germany than in the United States is that the wages of railway employees in Germany are much lower. The pay of employees on the railways of the United States makes up about two-thirds of the total cost of operation. On page 3126 of the Senate hearings Mr. Slason Thompson gives an unsatisfactory table of comparison of railway wages in the United States and other countries. The figures he gives for the United States are not an average for all employees, but are the average for "other trackmen," as given by the statistician of the Interstate Commerce Commission for 1903. This is the lowest-paid class of American railway labor, and the average for 1903 was \$1.31. He gives the average German wage at 57 cents per day, but does not say what class of labor it represents. If Mr. Thompson's figures for Germany represent the lowest-paid class in that country, and the other classes are paid in about the same proportion, it would make the daily wage of a German railway engineer about \$1.75 per day, against an average of \$4.01 in the United States in 1903 and \$4.10 in 1904. That the wages of a German engineer are probably below \$1.75 would seem to be indicated by the fact that according to some figures published by the Bureau of Manufactures in the Department of Commerce and Labor, about the 1st of last September, the average wage of a locomotive engineer in England is \$1.62 per day, and that of an engineer in Belgium \$1.01. Mr. Thompson gave these same figures on page 3127 of the Senate committee hearings. The Fifteenth Annual Report of the Commissioner of Labor on Wages in Commercial Countries has some better data as to the daily wages of railway employees in Germany in 1898. The figures given for locomotive engineers range from \$1.19 to \$1.83 per day; for locomotive firemen, from 78 cents to \$1.43, and for conductors, from 51 cents to \$1.56 per day. The average wages of these same classes of employees in the United States in 1898 were: Locomotive engineers, \$3.72 per day; firemen, \$2.09, and conductors, \$3.13. In 1904, the latest year for which statistics are published, these wages in the United States were: Locomotive engineers, \$4.10; firemen, \$2.35, and conductors, \$3.50. These figures speak for themselves and require no comment.

Mr. Prouty further says that German passenger rates are lower than ours. How he reaches such a conclusion I can not imagine. I have traveled in Germany a good deal. I have made some investigations in these matters there out of curiosity. I did so last summer as to their passenger rates. Their passenger rates, as I found them, are much higher than ours. If Mr. Prouty reaches his conclusion by taking their third-class rate, which involves a car that no American would travel in, I can imagine that he might probably reduce their rates of passengers to a low rate; but even then I do not see how he can get it down lower than our passenger rates on the average, because ours are the lowest in the world, and our cars are incomparably better than the best German cars.

I have looked at Rolfe's Satchel Guide to Europe, 1905, which, according to the title page, is revised annually, and I find some German rates, with distances stated in miles. From Leipzig to Berlin, 101 miles, the rates are: Express, 15.40 and 11.80 marks; ordinary, 13.20, 9.90, and 7.20 marks. Counting the value of a mark at 23.8 cents, would make the first-class rate on express trains \$3.6652, or about 3.66 cents per mile; second-class express, \$2.8084, or about 2.80 cents per mile; first class on ordinary trains, \$3.1416, or about 3.14 cents per mile; second class on ordinary trains, \$2.3562, or about 2.35 cents per mile, and third class on ordinary trains, \$1.7136, or about 1.71 cents per mile. For the year ended June 30, 1904, the average passenger rate in the United States was 2.006 cents per mile, which is far below any service of equal goodness anywhere in Europe. This rate has increased very slightly in recent years, owing to the effect of the trolley lines in taking off of the steam railways a considerable proportion of their short-distance traffic carried on commutation rates. The effect of the voluntary and compulsory reductions in passenger rates being made during the current year will, of course, have a decided effect on the average rate. You will note that in these Leipzig-Berlin rates not only the first-class, but the second-class rates as well, are above the average in the United States. As a sample of short-distance German rates, I find that from Berlin to Potsdam, 16 miles, with a first-class rate of 2.10; second class, 1.60, and third class, 1.05

marks; equivalent, respectively, to 49.98 cents, 38.08 cents, and 24.90 cents. These rates per mile would be about 3.12 cents, 2.38 cents, and 1.56 cents. Other rates given in this guide book would figure out about the same.

Mr. Slason Thompson, on page 3126 of the Senate hearings, under the head of foreign passenger rates, says:

Germany.—Fast trains: First class, 3.45 cents; second, 2.55; third, 1.79. Ordinary trains: First, 3.06 cents; second, 2.3; third, 1.53, and fourth, 0.77 (not allowed on fast trains); average receipts per passenger mile about 1.07 cents, due to 90 per cent of travel being third and fourth class on cars little better than American box cars.

I can not understand how Mr. Prouty makes the average Prussian passenger rate 9 mills per mile, unless he includes all classes and divides the total receipts by the number of passengers carried 1 mile, including all free passengers, which would include the large number of soldiers transported every year.

Mr. SCOTT. Will the Senator from Massachusetts allow me a moment?

Mr. LODGE. With pleasure.

Mr. SCOTT. As to the accommodations between Leipzig and Berlin, the rails and the cars that are run on them are perhaps the best they have in Germany. Is not that true?

Mr. LODGE. Yes; and that is the reason why I took it for comparison.

Now, Mr. President, Mr. Prouty also took up the case of port differentials. The Senator from Ohio in that very great argument which he made the other day, in discussing the question of port differentials, pointed out that by their action on port differentials the Commission had the power to close the port of Boston to-morrow if they so pleased. They could indeed close every port in New England, and our seaboard is the one great natural gift that we have. I am not going to argue this point elaborately, for I have already taken much more time than I ought to have taken, and I will try to dispose of it in a few sentences.

Mr. Prouty's reference to port differentials raises the question of what might be expected if the Commission should undertake to fix export rates to the several ports under the Hepburn bill. Their action in making the recent arbitral award was entirely extra-official, and their award has no more force than that given it by the agreement of the commercial bodies to submit the controversy to arbitration and abide by the decision. If, however, they should undertake to fix port rates under the Hepburn bill, their action would be official, and the question would be brought up whether they would not be governed by the clause of the Constitution prohibiting the giving of any preference to the ports of one State over those of another by any regulation of commerce or revenue. If the courts should hold that the power to fix port rates was subject to this limitation, it is difficult to see how export rates to the ports could be made on any but a mileage basis. The short distance from Chicago to Boston is 1,001 miles; to New York, 912 miles; to Philadelphia, 822 miles, and to Baltimore, 801 miles. It is apparent, therefore, that mileage rates on export grain would not only give to Philadelphia and Baltimore increased advantages on the inland rates as compared with Boston, but would give to New York an advantage over Boston, while at present Boston and New York have equal rates.

As an example of the manner in which the Commission now deals with this vital question let me cite the following case: Export grain is carried from the West by lake vessels both to Buffalo, N. Y., and to Fairport, Ohio. Thence the grain is carried by rail from Buffalo to Boston over the New York Central and Boston and Maine lines, and from Fairport to Baltimore over the Baltimore and Ohio Railroad. The distance from Fairport to Baltimore and from Buffalo to Boston happens to be the same—480 miles. There was absolutely no evidence introduced to show that there was any difference in the railroad cost of hauling grain from Fairport to Baltimore as compared with Buffalo to Boston, yet the Commission ruled that all grain carried from Buffalo to Boston must take a rate of one-sixth of a cent per bushel higher on oats and barley and three-tenths of a cent per bushel higher on wheat, corn, and rye than between Fairport and Baltimore.

But I ask leave of the Senate to print some further facts in regard to the port differentials which I have here, an extract from one of the Boston newspapers.

The paper is as follows:

ATTACKS FACTS CITED BY PROUTY—"MERCHANT" DOUBTS THE INTERSTATE COMMISSIONER'S SINCERITY IN RAISING THE CASE OF IOWA FOR COMPARISON.

To the Editor of The Herald:

While to the casual reader the address delivered by Mr. Prouty, the Interstate Commerce Commissioner, before the State Board of Trade yesterday may seem a powerful argument in favor of greater control on the part of the Interstate Commerce Commission of railroad rates,

yet a critical examination will show the absurdity of some of the statements put forth by Mr. Prouty.

He evidently desires the people of Massachusetts to believe that if increased power is given to the Interstate Commerce Commission rates in Massachusetts generally will be lowered, the implication being that railroad rates are now higher here than they should be. He cites the case of Iowa, and compares it with Massachusetts and other New England States, claiming that the rates in Iowa are lower than in Massachusetts because Iowa has a railroad commission having powers similar to those now desired by the Interstate Commerce Commission. It is almost impossible to credit Mr. Prouty with sincerity in advancing such an argument.

In the first place, the advisory decisions of the Massachusetts railroad commission are as effective as the decrees of the Iowa State commission, or any other State commission.

Secondly, Iowa can not properly be compared with Massachusetts. Iowa is an agricultural State, relatively speaking, it has very few manufactures. Its great products are corn, cattle, and hogs. To compare its fertile prairies with the rocky soil of New England and claim that rates should be as low in Massachusetts, with its unproductive soil, heavy grades, expensive tunnels, and high cost of fuel, is simply disingenuous.

The railroad mileage in Iowa is over 9,000 miles; in Massachusetts, 2,000. Iowa has 41 miles of railroad to every 10,000 inhabitants; Massachusetts has only 7 miles. On the other hand, the Massachusetts railroads are taxed \$1,400 per mile of line, while the Iowa railroads are taxed only \$200 per mile. Iowa has an ample supply of domestic coal; Massachusetts has none.

If Mr. Prouty will read the testimony recently taken before the Senate committee at Washington he will find that witness after witness testified that rates in the State of Iowa were inelastic, owing to the decisions of the State commission; that its railroads universally charged the full maximum rates, and that as a result Iowa has no large cities, its manufacturers have not increased, it has no large jobbing houses, and seems destined to remain forever an agricultural State—practically because of the fact that its local railroad charges are fixed by the commission.

Furthermore, if the rates in Massachusetts and Iowa were to depend solely upon cost of railroad transportation, it is clear that rates much higher than those of Iowa would be justified on the ground of extra expense.

In speaking of the recent controversy as to port differentials between the Atlantic seaports, Mr. Prouty again misstates the position of Boston. He said:

"Boston claimed that we should take away the entire advantage of Baltimore upon the land and should compel it to bear the entire burden of its disadvantage upon the ocean."

The above statement is not true. Boston claimed that the through rates from the West to Europe should be the same, whether the merchandise went on board the steamer at Boston, New York, Philadelphia, or Baltimore. The Commission decided that for years the through rates by way of Baltimore and Philadelphia had been lower than through Boston, and that Philadelphia and Baltimore had a right to a lower through rate. Boston claimed, furthermore, that if the Commission decided to give Baltimore and Philadelphia a differential against New York, logic should compel it to give the same differential to Boston, which claim the Commission refused to concede.

Boston showed conclusively that steamship rates were little, if any, higher at the southern ports than at Boston; that the cost of handling cargo was much higher at Boston than at the southern ports, and that if there were any steamship advantages at Boston over the southern ports they were more than compensated by the shorter land haul to said latter ports.

The Commission decided, largely on the ground of distance, that the southern roads should have lower railroad rates on this export traffic than Boston, entirely ignoring the fact that on the through distance from the West, for example, to Liverpool Boston is over 200 miles shorter, at least a day's sailing on an average freight steamer.

The remarks by Mr. Prouty show an amount of misinformation almost appalling.

MERCHANT.

Mr. LODGE. Also, Mr. President, to show how much this law involves and why it means so much to our people, I wish to introduce a few statistics in regard to the port of Boston, which is to be put absolutely at the mercy of this Interstate Commerce Commission, and then ask if it is unreasonable that we should desire provisions which would protect us, in common with the rest of this country, so far as possible against injudicious or hasty action, and let it be remembered that what we ask for ourselves is just as important to every other corner in the country and every other State, great or small.

For the fiscal year ending June 30, 1905, Boston was the second port in the country, with aggregate receipts of \$24,369,384.72. For the seven months ending February 1, 1906, Boston was again the second port in the country, with aggregate receipts of \$16,236,365.76. I will ask leave to print these and some additional figures in my speech.

The VICE-PRESIDENT. Without objection, leave will be granted.

The figures referred to are as follows:

[Extracts from annual report of the Secretary of the Treasury.]

Fiscal year ended June 30, 1905.

Name of port.	Duties and tonnage tax.	Aggregate receipts.	Cost to collect \$1.
Baltimore	\$3,154,535.50	\$3,314,349.41	\$0.082
Boston	24,369,384.72	24,578,214.28	.083
Chicago	7,950,855.85	7,964,313.73	.081
New Orleans	5,431,144.72	5,491,270.95	.082
New York	172,580,741.04	174,574,127.16	.081
Philadelphia	18,907,963.55	19,005,414.00	.080
San Francisco	7,406,535.09	7,402,452.26	.065

Fiscal year ending July 1, 1906.

For seven months ending February 1, 1906:

Boston	\$16,236,365.76
New York	118,996,502.00
Philadelphia	12,153,878.42
Chicago	6,285,832.04
New Orleans	3,414,056.99
San Francisco	4,371,437.31

Mr. LODGE. Mr. President, it is within the power of those who administer this law, it is within the power of any Executive who appoints these Commissioners, and of the Commission itself, to make or unmake the fortunes of any portion of the country.

Mr. SCOTT. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. Certainly.

Mr. SCOTT. If the Commission made a rate per ton per mile, would it not, in the Senator's judgment, ruin the coal interests of my own State of West Virginia?

Mr. LODGE. Certainly; beyond doubt.

Every State is vulnerable; but there is no part of the country that is so vulnerable as New England, New York, and New Jersey. New England has her seaboard, with some forests in Maine, and a few granite quarries, and then you come pretty much to an end of her economic possessions which can not be taken from her. New York has her marvelous port, which nothing can take from her, and she has her highway to the Lakes; but we in the East have no mines, we have no indefinite tracts of fertile soil, we have no coal, and we have no iron. We must go to the States of the South to get our cotton; we must go to the Middle States to get our iron and our coal; we must go to the West to get our leather and our food stuffs; we must bring into New England everything that we manufacture, and our manufactures constitute the wealth of those six States.

Mr. FORAKER. I should like to ask the Senator whether or not he ever made a calculation to ascertain how much cotton he would get for the cotton mills of New England if the rates were fixed upon a mileage basis or anything approximating that?

Mr. LODGE. Why, Mr. President, if rates were fixed upon a mileage basis, every manufacturing industry in New England would go out of existence; it would turn it all into a desert. If you should, in addition, abolish differentials, you would send the entire exports of the country to New York chiefly and, in a smaller degree, Boston; you would have in New England one great city, Boston, and behind it nothing. We have now a uniform rate stretching—I take this as an illustration, of course it would go further, but I take simply the New England territory—we have a uniform rate from North Adams, a town on the western border of my State, to Waterville in Maine. The whole intervening territory between, north and south of that line and 300 miles in width, is filled with industries giving life and support to thousands of human beings. But force upon them a mileage rate, fix a distance rate, and you drive every industry back to the North Adams line.

Mr. NELSON. Will the Senator yield to me for a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Certainly.

Mr. NELSON. Is there any proposition in this bill to make a distance mileage rate?

Mr. LODGE. No, Mr. President; none absolutely requiring a distance rate.

Mr. NELSON. Then what is the use of discussing it?

Mr. LODGE. Mr. President, I can discuss this subject in any manner I feel inclined to; and one way of discussing it is to point out what an enormous stake my section of the country and your section of the country, Mr. President, have in it. I am trying now to show the enormous possibilities for evil as well as for good which are contained in this bill. I want this legislation, and am just as anxious for it as the Senator from Minnesota. There is no part of the country which needs proper railroad regulation and supervision more than New England, and there is none which needs to have that legislation better guarded than New England, New York, and New Jersey.

Mr. FORAKER. I should like to ask the Senator, or any Senator who can give the information, whether or not the Interstate Commerce Commission, when it has undertaken to fix rates, has ever undertaken to fix rates except either upon the mileage basis or what approximated to a mileage basis. Did they ever do it, or is it possible to do it?

Mr. PERKINS. I should like to ask the Senator from Massachusetts what, in his opinion, would be the effect of a mileage rate applied to the citrus and other fruits of California?

Mr. LODGE. I think the result will be that you will have to sell them all in the Philippines. [Laughter.]

Mr. FORAKER. If the Senator from Massachusetts [Mr. LODGE] will allow me, I will give the Senator from California [Mr. PERKINS] a bit of information on that point. I am in receipt of a letter from Milford, Del., making bitter complaint that the citrus-fruit growers of California are allowed the same rates to New York as they are charged in Delaware. [Laughter.]

Mr. LODGE. Mr. President, my point is not to charge anything against the Interstate Commerce Commission. I am trying to argue simply the importance of having a commission worthy to undertake this work and, further, the necessity of guarding it by a proper access to the courts, but this speech about New England was made by an Interstate Commerce Commissioner in my own State and my own city, and I wish to reply to it. I wish to show why we are so very anxious to have this bill, when it passes, a safe as well as an effective bill.

I was describing when I was interrupted the conditions of New England, her natural endowments, and those of New York and New Jersey, for they are practically in the same class, in order to point out that we were peculiarly vulnerable, because our prosperity rests upon our experience, our traditions, our invested capital, and on our organization of workmen and of industry. With unjust treatment all these conditions can be easily broken down and disappear.

In order to demonstrate what I have just said I desire now to call attention to some of the interests of New England and to show how dependent we are upon railroad rates. I saw it stated the other day in some newspaper that the New England Senators were dominated by the special interests of New England, by the manufacturing and the railroad interests. Why, Mr. President, in the manufacturing industries of my State alone there are, according to the census of 1900, 500,000 people engaged. To-day in the railroads of the State, little State as it is, there are 60,156 people engaged. In other words, there are from a million and a half to two millions of the population of Massachusetts absolutely dependent on the well-being of the industries and the railroads of the State, and if I am not to represent the interests of those people, whose interests am I sent here to represent? I may be very easily mistaken in my view of this bill, but certainly the only influence which guides me is my desire to protect and guard the interests which give my State life and prosperity and which furnish income and employment to the people who live within its borders. That is the only motive that influences any Senator from New England or from any State in the Union.

Mr. President, I now wish to call attention very briefly to a few figures which I have put down here simply to show how important this matter of railroad rates is to us. Mr. Prouty thinks we are not fairly treated now. That may or may not be the case, but what we want is that the Government regulations shall be guarded and shall be safe.

The area of Massachusetts is 8,040 square miles. Her population to-day is 3,003,680, with a density of population of 348.9 to the square mile. The gross value of her agricultural products is \$42,298,274, or \$15 per capita. The gross value of her manufactured products is \$1,035,198,989, or \$369 per capita. Her agricultural and manufactured products together amount to \$384 per capita.

Let me quote at this point the following extract from the inaugural message of Governor Guild, of Massachusetts:

Of all the States and Territories on this continent only four contain a smaller area. Because of geographical limitation, as well as from a notable lack of mineral deposits, forests, and rich arable soil, a slow rate of gain in material prosperity might logically be expected of Massachusetts in comparison with many States possessing greater natural advantages. Yet, on the contrary, at the last taking of our national census it was found that Massachusetts, fifth from the foot in area, is seventh from the top in population, fifth from the top in the annual value of her manufactures, and third from the top in the annual amount paid in wages. Measured by assessed valuation of the property in her borders, Massachusetts is exceeded by but two States. Fifth from the foot in area, Massachusetts is third from the top in wealth.

Our Massachusetts census, just taken, tells a wonderful story. Immigration does not swarm to hopeless fields. In the decade between 1895 and 1905 Massachusetts added over half a million to her population. It is extraordinary that this great increase, which is, within less than fifty thousand, the same increase that was shown between 1885 and 1895, should have been possible in what was and is, with one exception, the most densely populated State in the Union.

It is more extraordinary that this half million of increase, largely immigrants, should be not merely vast in proportion to area, but, with four exceptions only, larger in actual numbers than the increase shown by any other State or Territory in the whole United States.

The annual value of the manufactured products of Massachusetts increased by but \$175,173,033 between 1885 and 1895. It increased by \$300,267,558 between 1895 and 1905. The total value of goods made in Massachusetts was \$1,150,074,860 in 1905.

The increase in the value of the annual product of cotton goods from

1885 to 1895 was \$32,190,463. From 1895 to 1905, in spite of southern competition, it was \$38,949,280. The increase in our wool and worsted products between 1885 and 1895 was \$7,400,533. Between 1895 and 1905 it was \$50,581,514. The increase in our shoe product between 1885 and 1895 was \$7,405,548. Between 1895 and 1905 it was \$70,271,966.

On October 31 the total amount on deposit in our savings banks was, in 1885, \$274,998,412; in 1895, \$439,269,861, and in 1905, \$662,808,312. The increase in the last decade was greater by over \$58,000,000 than in the decade that preceded it. In 1885 the average deposit for each person of population was \$141.64; in 1895, \$175.69, and in 1905, \$220.67. The gain in deposits per capita in the last decade was greater by nearly a third than the gain in the preceding decade.

Massachusetts is the forty-first State in area in the United States; she is the thirty-first in agriculture; she is seventh in population; she is second in density of population, and she is fourth in manufactures. Among all the States in the Union in the capital invested in manufactures Massachusetts is third; in wages paid she is third, and in the number of wage-earners she is third.

New England has an area of 69,973 square miles; a population of 5,592,017. The gross value of her agricultural products is \$169,523,435; the gross value of her manufactured products is \$1,875,792,081, making a grand total of \$2,045,315,516. Of all the capital invested in the United States New England represents almost 20 per cent, and with the Middle States 60 per cent.

Among all the States and Territories of the Union, Massachusetts is—

In textiles first, with \$212,000,000 (Pennsylvania second, with \$160,000,000).

In cotton goods first, with \$110,000,000 (South Carolina second with \$30,000,000).

In woolen goods first, with \$73,000,000 (Pennsylvania second with \$49,000,000).

In boots and shoes first, with \$117,000,000 (New York second, with \$25,000,000. Total for whole United States, \$261,000,000).

In paper and wood pulp second, with \$22,000,000 (New York first, with \$26,000,000).

In proportion of wage-earners to total population:

	Per cent.
Rhode Island first	21
Connecticut second	19½
Massachusetts third	18
New Hampshire fourth	17
New Jersey fifth	13
Delaware sixth	12
New York seventh	12
Pennsylvania eighth	12
Maine ninth	11
Vermont twelfth	8½

Mr. President, on the industries which those figures indicate there are a great many people dependent for life, for existence, for their daily wage, for their homes.

Let me call attention to another point. Nothing is more common here than to describe with noble indignation the half-dozen men in New York who get together and make the rates, as if all we had to do was to break their power, and as if that was all that was involved. I desire, Mr. President, simply to call attention to the misleading character of such statements, and I take the figures from my own State as an example.

The Commonwealth of Massachusetts in its sinking funds, established for paying the outstanding indebtedness of the State, holds Fitchburg Railroad bonds for \$5,000,000; Boston and Maine Railroad bonds, \$5,000,000. The amount of railroad securities held by our Massachusetts savings banks and trust companies is \$152,551,438.08. The total amount of deposits in the Massachusetts savings banks on October 31, 1905, was \$662,808,312, divided among 1,829,487 open accounts. (See p. 5, Savings Bank Report.) Under the law no account can be over \$1,000, and the average of such accounts deposited is \$362.29. In those institutions, under a carefully guarded law, of those savings of our working people, \$662,808,312, in all there is \$152,000,000 invested in railroad securities of different kinds. The total amount of stock of Massachusetts railroads held in Massachusetts is \$129,055,425, divided among 36,201 Massachusetts holders. These figures were furnished by the accountant of the railroad commissioners of this State as of June 30, 1905, and their report gives a good statement of the railroad situation in Massachusetts. This makes an aggregate of \$291,606,863 of railroad securities held in Massachusetts, exclusive of bonds held by life and fire insurance companies and national banks.

Mr. President, in this great measure we are dealing with the fortunes of all those people, and this law is capable of bringing them to ruin or of maintaining them in prosperity. Is it any wonder that we, their representatives, should be anxious about it? We have not in New England, as I have said, great natural endowments, the mere possession of which gives wealth. Whatever we have there we have worked for hard. We ask for no discriminations in our favor. We ask merely for the equality of

treatment that every portion of the Union ought to have. But what we possess is perhaps to a greater extent than is true of any other portion of the country the result of more than two centuries of unremitting toil.

Inde durum genus sumus experiensque laborum.

Naturally in that dense population, dependent almost entirely on manufacturing industry, there is great anxiety as to the passage and the terms of this great bill.

Mr. President, I repeat what I said at the beginning, that, with these great interests, New England desires a good railroad-rate bill. She desires, in my judgment, proper railroad regulation and supervision, and she desires the Commission to be made up of the highest ability and best men we can get. I am sure that the Senators from New England represent her when they say that access to the courts should be preserved; that every man in this country is entitled to his day in court.

The Senator from Texas [Mr. BAILEY], toward the close of his very able argument on Monday last, said that to create distrust in the courts was to do the country irreparable injury, but that it was an even greater injury to teach a debasing belief in the infallibility of the courts. With that proposition I am in full accord. A debasing belief in the infallibility of any human institution or in human beings clothed with any function is a peril of the most serious kind, but I do not think that this point is a practical one. It does not seem to me that we are in any danger at this moment from too great belief in any man or too great reverence for any institution. On the other hand, I think that there is a very great danger, indeed, of the creation of that distrust of our institutions of government which the Senator from Texas spoke of as an irreparable injury to the country.

It is the fashion at this moment in certain quarters to indulge in furious attacks, and with utter disregard of truth, not only upon all our institutions of government, but upon our character as a people and the conduct of both our public and our private affairs. Concocting slanders and heaping together falsehoods for the purpose of selling them is not a pleasing trade, and when carried on in the name of virtue and reform it is a peculiarly repulsive one. To seek in this way to gratify that envy which is, unfortunately, not uncommon in human nature, or thus to take advantage for hire and salary of popular passions or of righteous popular indignation at proved wrongdoing, is a miserable calling and morally on a very low level. Slander and misrepresentation directed against individuals are not of much importance. If a man, whether engaged in public or private business, is not able by his character and his honesty to withstand such assaults, he is of little worth. As Doctor Johnson wisely said, "No man was ever written down except by himself." Men, moreover, are evanescent. Slanderer and slandered soon fade away and disappear. "We strut and fret our hour upon the stage, and then are heard no more." But wise institutions and free systems of government, painfully wrought, tried in the fires of sacrifice and suffering, should endure, for if they fall, they bring countless miseries in their ruin.

The real evil of all this sorry business lies in the creation of that distrust of our institutions to which the Senator from Texas referred. Yet the most serious quality of these attacks does not reside in those directed against the Senate. Every branch of the executive and legislative departments of the Government has been at one time or another in our history subjected to these indiscriminate assaults. No President was ever so maligned as Lincoln, and I have lived to see his fame rise up as world-wide as it is pure and unsullied, unharmed by the abuse of the forgotten creatures who thought to blacken his character and thwart his purposes. Within my own brief experience I have seen the House held up to public scorn and its Speaker denounced with unbridled ferocity on account of reforms which all men and all parties accept to-day, and which rescued that great body from a condition of inanition and contempt.

At this moment it is the turn of the Senate of the United States. The Senate has been assailed as virulently before when it has undertaken to perform the duties for which the Constitution designed it. Checks and balances in government are rarely popular, and the brake which is essential to preserve the train from accident or destruction not unfrequently jars some people's nerves when it is applied. But President and House and Senate all have one great security—they can ask the popular verdict, they can take the judgment of the people after the sober second thought, and they can plead their own cause before the great popular tribunal. Thus they have come through many trials, and they will have no difficulty in securing justice now as before.

But the case is widely different with the courts. They can

make no popular appeal; they can enter upon no defense; they can secure no verdict at the ballot box. They must do their duty in silence, and trust to the slow processes of time to vindicate them. For this reason it has been an unwritten law of our politics—a law rarely infringed—not to assail the courts. It is no debasing belief, no superstitious reverence, which has dictated this custom. No one thinks for a moment that the courts are infallible. There have been in our history some bad judges, happily very few, to our honor be it said; there have been, and there are, many of only moderate capacity; but the courts of the United States as a whole, and the Supreme Court above all, irreproachable in character and of high ability, have been one of the finest achievements and one of the great glories of our American system of government. No greater harm could be done, no more malignant evil could be wrought, than to breed popular distrust in the administration of justice.

I cut from a newspaper the other day an interview with Mr. Debs. It appears that there are some men in the far West suspected, apparently on good prima facie grounds of complicity in a brutal assassination. Mr. Debs objects to their being tried at all. His language is:

"We have no courts to appeal to; they belong to the plutocracy, and I am opposed to spending our means going up against a brace game judiciary."

His remedy is civil war. You may say that is the raving of a man of violence and of anarchy. Perhaps it is the last extreme; but is it wise for others to encourage that wholly false view of the courts and to teach the American people that the courts are not to be trusted?

I took from the Chicago Record-Herald of December 31, 1904, the following interview with Mr. Prouty, a distinguished, energetic, and able member of the Interstate Commerce Commission. He said:

"If the Interstate Commerce Commission were worth buying, the railroads would try to buy it. They have bought pretty nearly everything in this country that is worth buying, and the only reason they have not tried to purchase the Commission is that this body is valueless in its ability to correct railroad abuses."

This statement was made by Interstate Commerce Commissioner Charles A. Prouty yesterday in a discussion of legalized pooling. Asked, in view of this statement, whether it would be wise to give a commission control over rates, the Commissioner replied:

"The public must trust some one, and that would be the best remedy it is possible to obtain under existing conditions. I am aware, however, that the great danger would lie in the possibility of the body to which should be intrusted the guardianship of the people's rights not performing its duty."

Because of a possibility of purchase by the railroad interests, he was asked:

"Yes; but not in the sense of an actual cash transaction. The railroads, it is well known, own many of our courts and other public bodies, but not because they have of necessity bought them by the expenditure of money. They have a different way of doing things. They see to it that the right men, the men of friendly inclinations, are elected. There would exist the danger of their doing this in the case of a 'strong' Commission, so that it might be composed of men who would sit idly by and do nothing of value."

Now, Mr. President, there is a man of high character, holding a high public position, deliberately stating to the people of this country that the courts and other public bodies are owned by the railroads. He says the railroads own them by electing them. United States judges are appointed. They are not elected. They are appointed by the President. The necessary implication is that if they are owned by the railroads the President has appointed men owned by the railroads.

If this were the utterance of some of our irresponsible magazine writers, whose only thought was to turn a penny by meeting what seemed a momentary demand for a sensational statement, it would be bad enough, but very far from fatal. Writers of that type come and go. They seize upon the excitement of the moment and presently rise like a flock of shore birds and whirl away to another spot where they think they can find a fresh feeding ground. These modern imitators of Titus Oates will pass away as he passed away. They will bring no innocent heads to the block as he did, although they may here and there cause distress. They will not end in the pillory as he did, because the pillory has been abolished, but they will go out of fashion just as he did into silence and contempt. It is when a man of ability and character holding high Government position like that of an Interstate Commerce Commissioner uses the language which I have quoted that the matter becomes deeply serious. It is when doubts and suspicions as to our courts are suggested by the words of men eminent in public office, as has been the case in the past months during the discussion of this question; it is when every effort is made to shut the courts out from all consideration of the momentous questions raised by this bill that the matter grows grave indeed, for it is in this way that the distrust is bred of which the Senator from Texas spoke and which every reflecting man must believe to be an inestimable if not an irreparable injury to the country. Congress should be the last place where any such attacks on the

courts should be made—the last place where ideas of that sort could find a lodgment.

I have no superstitious reverence for the courts and no belief in their infallibility, but I look upon them not only as the bulwark of society and the guardians of liberty, but the symbols also of law and liberty. Where the decisions of the courts are obeyed, where justice is unimpeded, there are liberty and order, and there is no liberty without order. The oppression of the one tyrant is bad enough, but the oppression of a multitude of tyrants is infinitely worse. All Europe turned from the tyranny of the countless feudal lords and gave itself up to the tyranny of the one man who was made the king. It was far better than the tyranny of many. With disorder you may have license, you may have anarchy, but you will have no liberty. When you get to anarchy and disorder then you go over the dreary round, the old vicious circle, and land in the "reaction" and the "savior of society." We want neither socialism, which would reduce all things to a dead level and put all power into the hands of the Government, nor do we want anarchy, which represents chaos.

We want men to be free,

As much from mobs as kings; from you as me.

We want the sober freedom for which we have paid so great a price and which we have slowly and painfully built up and maintained. It is not that I apprehend these dangers from this specific bill, but I do apprehend grave dangers now lurking in the readiness to criticize the institutions of Government made by the hands of the people themselves and to slander the courts which administer our justice. Men are of slight importance. Let them say of us what they like and banish us forever if they choose—we men here—but it is the duty of every one of us to see to it that the great heritage of the past, which has given us freedom and everything we love and have fought for, is handed on untainted and unbroken to the generations which come after us. [Applause in the galleries.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAMILTON, Mr. BRICK, and Mr. MOON of Tennessee managers at the conference on the part of the House.

STATEHOOD BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BEVERIDGE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. FORAKER. The proposition to which the House has disagreed is one which was not represented by the chairman of the Committee on Territories, who has just now addressed the Senate, and one with respect to which I fear he would not suggest conferees who would be agreeable to those of us who did represent that proposition. I rise, therefore, to object to the appointment of conferees in the usual way, and to ask that they may be selected by the Senate in such manner as may be proper for us to proceed in making the selection.

The VICE-PRESIDENT. The Chair will divide the motion, as, in his opinion, it is clearly divisible. The question is, Will the Senate insist upon its amendments and agree to the conference asked for by the House?

The motion was agreed to.

The VICE-PRESIDENT. The question is upon the appointment of the conferees.

Mr. FORAKER. I move—

Mr. BEVERIDGE. Mr. President—

Mr. FORAKER. I yield to the Senator from Indiana.

Mr. BEVERIDGE. The remaining portion of the motion is now the question.

The VICE-PRESIDENT. The Senator from Ohio is recognized.

Mr. FORAKER. I move as a substitute for that part of the Senator's motion that the conferees on the statehood bill on the part of the Senate be appointed by the Senate.

The VICE-PRESIDENT. The Senator from Ohio moves to amend the motion of the Senator from Indiana, so that the conferees shall be appointed by the Senate. The question is on the amendment.

Mr. BEVERIDGE. Mr. President—

Mr. FORAKER. I was about to suggest, if it met with the concurrence of the Senator from Indiana, that this matter go over until to-morrow morning, so as to give us an opportunity to confer with each other as to the conferees. It may be that we shall be able to agree upon the conferees. I do not know as to that. I have had no communication with the Senator from Indiana on the subject. But if he wants it disposed of now, I am willing that it shall be disposed of at this time.

Mr. BEVERIDGE. I am willing to take any course that may be agreeable, although if it involves anything but the usual procedure, I think, perhaps, it might as well be disposed of now—

Mr. PATTERSON. Mr. President, we on this side of the Chamber can not hear.

Mr. BEVERIDGE. Unless the Senator from Ohio is particularly insistent upon its going over.

Mr. FORAKER. I am not insistent upon its going over. I merely suggested that if it goes over until to-morrow, we will be able to take it up after consideration and after some conference.

Another reason for that is that if we go into this matter at this time, it is likely to create debate. I know there are some Senators who want to address the Senate on this subject. Other Senators have given notice that they desire to address the Senate at this time on other matters. The Senator from Wisconsin [Mr. SPOONER] has been waiting throughout the speech of the Senator from Massachusetts [Mr. LODGE] in order to secure an opportunity to address the Senate. I think, out of courtesy to him, it would be well enough to let the matter go over until to-morrow. Certainly no harm can arise from doing so.

Mr. BEVERIDGE. Very well, Mr. President. If the Senator from Wisconsin wishes to proceed now, and if this matter is likely to consume any time, I will let it go over until to-morrow morning.

In view, then, of that consideration and in view of the other suggestion of the Senator from Ohio, we will let it go over until to-morrow morning.

The VICE-PRESIDENT. Without objection, the motion and the amendment will lie over until to-morrow.

REGULATION OF RAILROAD RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. SPOONER obtained the floor.

Mr. TILLMAN. Will the Senator from Wisconsin yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. TILLMAN. From the Committee on Interstate Commerce I wish to present as an appendix, which has just come to us from the experts, some figures and facts relating to the Prussian railways. I send it to the desk and ask that it be printed.

The VICE-PRESIDENT. The Senator from South Carolina asks that the papers sent to the desk by him be printed as a public document.

Mr. TILLMAN. The same number of copies as of the testimony.

Mr. KEAN. May I ask the Senator from South Carolina a question?

Mr. TILLMAN. Certainly.

Mr. KEAN. What is this?

Mr. TILLMAN. This is an appendix prepared by Messrs. Adams and Newcomb, under orders from the committee and under instruction from its chairman, sent to the committee and given to me by the chairman.

Mr. KEAN. And what both have agreed to?

Mr. TILLMAN. Both have agreed to.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

Mr. SPOONER. Mr. President, it is embarrassing to ask the Senate to turn from the eloquent periods uttered by the Senator from Massachusetts [Mr. LODGE] to what I am conscious will at best be an unsatisfactory discussion of what is purely a question of constitutional law, for I do not rise to discuss anything contained in the "rate bill," so called, save as to a single phrase in it.

Some days since the distinguished Senator from Texas [Mr. BAILEY], whose absence to-day I lament, not only because I am

compelled without his presence to discuss a portion of the amendment which he has submitted, and to reply somewhat to the speech which he made upon it, but also for the sorrowful event which compels his absence, expressed the opinion that Congress may constitutionally incorporate in this bill, in connection with a provision for judicial review of an order of the Interstate Commerce Commission fixing rates, a clause prohibiting the circuit courts of the United States in such cases to restrain by injunction the enforcement of the order before final decree. This raises, obviously, a question of very grave import.

I entertain the profoundest respect and admiration for the Senator from Texas, not only for his great ability and learning as a lawyer, but for his high character, independence, and patriotism in the discharge of public duty. When I find myself differing from him upon a constitutional question which has received his attention it is with a distrust of my own opinion which leads me to a careful reexamination of the subject.

The Senator from Maryland [Mr. RAYNER], in a very eloquent speech upon the pending measure, seemed to attach great significance to the words "or be suspended or set aside by a court of competent jurisdiction," in the clause relating to the time of taking effect of an order of the Commission fixing rates. To my mind these words are quite insignificant. They confer no jurisdiction upon any court of the United States not already possessed by it. They are mere recognition of existing jurisdiction, which can not constitutionally be withdrawn, and if they were stricken from the bill they would not in anywise affect the power of the circuit courts on a proper bill in equity to restrain by interlocutory or final decree the order affecting the rate or rates involved. To accomplish that object, if it be possible to accomplish it, it is necessary that there shall be a change in existing law governing jurisdiction of the circuit court in equity. The Senator from Texas fully realized this, and hence his proposition that the bill shall contain a prohibition against suspension of the order prior to final decree.

Mr. President, I am not able to agree with the Senator from Texas and others as to the power of Congress to so legislate. I have little doubt that if the bill when enacted shall contain such a prohibition it would be unconstitutional in that respect, and fear it will be regarded as so intertwined with the part of the bill authorizing the fixing of rates as to endanger it.

Many of us think the pending measure is in more than one respect of doubtful constitutionality, to say the least of it. I think I may justly say that many of us regard it as unconstitutional in one or two important particulars.

It is our duty, as it is justly to be expected of the Senate, that we shall give to the perfection of the measure, which is of the highest importance, the utmost of our ability, care, and industry. I should greatly dislike, Mr. President, not simply for myself, but for the body, of whose just fame I am as jealous and proud as any Senator can be, that this measure when it shall have passed the Senate, should fail in the courts for any want of constitutionality which we can remedy. It may contain some provisions as to the constitutionality of which many of us have doubt, but that danger should be limited to those provisions only which ought to be incorporated in it if they can constitutionally be incorporated in it, and in order that their constitutionality may be presented to the highest tribunal for determination.

The time has certainly come when the scope of the commerce clause of the Constitution in respect of interstate transportation should be determined by the Supreme Court. This can only be done by the enactment of a statute raising the question.

The weakness, if there be one, in the proposition and in the argument made in support of it—that this proposed provision may constitutionally be enacted—seems to rest in a failure to distinguish between jurisdiction and judicial power. The Constitution, Article III, section 1, says:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. * * *

SEC. 2. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

I concede, under the decisions, of course, that the circuit and district courts of the United States are statutory courts; that

they do not derive their jurisdiction immediately from the Constitution. They are created by the Congress. Their jurisdiction is to be found in the legislation of Congress. For many years Congress withheld from their jurisdiction a large number of cases or controversies enumerated in the Constitution. That Congress could lawfully do this I do not question.

Mr. President, the framers of the Constitution manifestly did not intend to create a judicial department that was to be dependent in the exercise of *judicial power* upon the will of Congress. They had painful memories of the history of jurisprudence in England. They knew that the bar of England and the fearless judges of England had done more for personal liberty than all the other forces of England could do. They knew, too, that judges of England, holding office by favor simply of the King, and therefore dependent upon his will, had perpetrated wrongs and tyrannies indescribable; for there is no tyranny any worse than the tyranny of a lawless judge. They knew, too, that out of the confusion of legislative and judicial functions in the English system had arisen intolerable abuses. They intended by the Constitution to create, and did create, three coordinate and independent branches of the Government, to each of which was assigned its proper function, clothed with the power essential to their proper discharge. They intended that each should be in its sphere absolutely free from invasion by the others. They created the legislative department to enact rules of action, the executive department to administer the laws, the judicial department (the weakest of all in a way) to hold each of the others, the legislative and the executive, strictly to the limitations of the Constitution. Each was to be permanent as the Government itself until changed by the people.

They clearly contemplated a Federal judicial system. They secured the independence of the judges by making their tenure of office dependent only on good behavior and by preventing the legislative department from starving them into weakness by diminution of their compensation.

It was not intended to create a judicial department that should be defenseless against the passion or unwisdom of the legislative department. They vested, by the same language with which they clothed the other two departments with their functions of government, the judicial power of the United States in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The Supreme Court, of course, could not have existed without legislation by Congress. The constitutional provision was not self-executing, but it laid a mandate upon Congress to organize the Supreme Court and inferior courts. For Congress to have omitted the organization of the Supreme Court would have been revolutionary. For Congress to have omitted the organization and establishment of inferior courts would have been equally revolutionary. The result would have been that the Government as it was made would have failed of organization, for where the Constitution provided for three departments there would have been but two, in fact.

Congress, in obedience to the constitutional mandate, organized the Supreme Court, and the Constitution placed it beyond reach of any subsequent Congress, save to increase or possibly to reduce its numbers. Its jurisdiction is original in but two cases; in all others it is appellate.

My proposition is: That when the Congress confers *jurisdiction* upon the inferior courts of the United States over any one of the cases or controversies enumerated by the Constitution the judicial power, *ex necessitate rei*, goes with it, including the instrumentalities which inhere in the jurisdiction and are necessary to its efficient exercise.

It never could have been in the minds of the framers that there could come a time when there would be life judges of the inferior courts without inferior courts.

It is insisted by some that Congress may destroy these inferior courts, and as the greater includes the lesser, it may limit as it sees fit the exercise of judicial power where jurisdiction exists. I do not know what may be the opinion of the Senator from Texas as to the power of Congress to destroy the inferior courts without substituting other inferior courts in their places, but justice to him in his absence requires it to be said in this connection that he did not base his argument for the power of Congress to limit the issue of injunctions as proposed upon any such ground.

I find support, Mr. President, for the proposition for which I am contending in an illuminating opinion upon the judicial clauses of the Constitution, delivered by Mr. Justice Story, of the Supreme Court, in the case of *Martin v. Hunter's Lessee* (1 Wheaton, 304). His reasoning is worth rereading many times. It was dissented from only by one justice, and not by any as to the portion of it which declares specifically the law to be as

I am contending for it. It is so important and complete that I beg leave to read it. Speaking for the court, he says, after quoting the third article:

Let this article be carefully weighed and considered. The language of the article throughout is manifestly designed to be mandatory upon the legislature. Its obligatory force is so imperative, that Congress could not, without a violation of its duty, have refused to carry it into operation. "The judicial power of the United States shall be vested [not may be vested] in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish." Could Congress have lawfully refused to create a Supreme Court, or to vest in it the constitutional jurisdiction? "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive, for their services, a compensation which shall not be diminished during their continuance in office." Could Congress create or limit any other tenure of the judicial office? Could they refuse to pay, at stated times, the stipulated salary, or diminish it during their continuance in office? But one answer can be given to these questions; it must be in the negative. The object of the Constitution was to establish three great departments of government; the legislative, the executive, and the judicial departments. The first was to pass laws, the second to approve and execute them, and the third to expound and enforce them. Without the latter, it would be impossible to carry into effect some of the express provisions of the Constitution. How, otherwise, could crimes against the United States be tried and punished? How could causes between two States be heard and determined? The judicial power must, therefore, be vested in some court, by Congress; and to suppose that it was not an obligation binding on them, but might, at their pleasure, be omitted or declined, is to suppose that, under the sanction of the Constitution, they might defeat the Constitution itself. A construction which would lead to such a result can not be sound.

The same expression, "shall be vested," occurs in other parts of the Constitution in defining the powers of the other coordinate branches of the Government. The first article declares that "all legislative powers herein granted shall be vested in a Congress of the United States." Will it be contended that the legislative power is not absolutely vested? That the words merely refer to some future act and mean only that the legislative power may hereafter be vested? The second article declares that "the executive power shall be vested in a President of the United States of America." Could Congress vest it in any other person; or is it to await their good pleasure whether it is to vest at all? It is apparent that such a construction in either case would be utterly inadmissible. Why, then, is it entitled to a better support in reference to the judicial department?

If, then, it is the duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist, that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution, and thereby defeat the jurisdiction as to all, for the Constitution has not singled out any class on which Congress are bound to act in preference to others.

The next consideration is as to the courts in which the judicial power shall be vested. It is manifest that a Supreme Court must be established; but whether it be equally obligatory to establish inferior courts is a question of some difficulty. If Congress may lawfully omit to establish inferior courts, it might follow that in some of the enumerated cases the judicial power could nowhere exist. The Supreme Court can have original jurisdiction in two classes of cases only, namely, in cases affecting ambassadors, other public ministers, and consuls, and in cases in which a State is a party. Congress can not vest any portion of the judicial power of the United States, except in courts ordained and established by itself; and if in any of the cases enumerated in the Constitution the State courts did not then possess jurisdiction, the appellate jurisdiction of the Supreme Court (admitting that it could act on State courts) could not reach those cases and, consequently, the injunction of the Constitution, that the judicial power "shall be vested," would be disobeyed. It would seem, therefore, to follow that Congress are bound to create some inferior courts in which to vest all that jurisdiction which, under the Constitution, is exclusively vested in the United States, and of which the Supreme Court can not take original cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts from time to time at their own pleasure. But the whole judicial power of the United States should be at all times vested either in an original or appellate form in some courts created under its authority.

It being then established that the language of this clause is imperative, the next question is as to the cases to which it shall apply. The answer is found in the Constitution itself. The judicial power shall extend to all the cases enumerated in the Constitution. As the mode is not limited, it may extend to all such cases, in any form, in which judicial power may be exercised. It may, therefore, extend to them in the shape of original or appellate jurisdiction, or both; for there is nothing in the nature of the cases which binds to the exercise of the one in preference to the other.

BUT EVEN ADMITTING THAT THE LANGUAGE OF THE CONSTITUTION IS NOT MANDATORY AND THAT CONGRESS MAY CONSTITUTIONALLY OMIT TO VEST THE JUDICIAL POWER IN COURTS OF THE UNITED STATES, IT CAN NOT BE DENIED THAT WHEN IT IS VESTED, IT MAY BE EXERCISED TO THE UTMOST CONSTITUTIONAL EXTENT.

The judicial power of the Constitution extends to all cases in law and equity arising under the Constitution, etc. The words "law and equity," as used in the Constitution, were not used without definite meaning. As to equity, they referred to a system of jurisprudence which had long been established in England and was administered in this country prior to the adoption of the Constitution.

In *Pennsylvania v. Wheeling Bridge Company* (13 How., 502) the court says:

In exercising this jurisdiction the courts of the Union are not limited by the chancery system adopted by any State, and they exercise their functions in a State where no court of chancery has been established. The usages of the high court of chancery in England, wherever the jurisdiction is exercised, govern the proceedings. This

may be said to be the common law of chancery, and since the organization of the Government it has been observed.

Under this system, where relief can be given by the English chancery similar relief may be given by the courts of the United States.

The word "law" was used in contradistinction to equity and admiralty and maritime jurisprudence. They referred not simply to the suits which the common law recognized among its old and settled proceedings, but suits in which legal rights were to be ascertained and determined in contradistinction to those where equitable rights alone were recognized and equitable remedies were administered.

Upon the demand of the States, after the adoption of the Constitution, an amendment was adopted declaring that in suits at common law where the value in controversy shall exceed \$20 the right of trial by jury shall be preserved, etc., and this meant the jury of the common law.

It is quite plain that the distinction between law and equity expressly recognized in the Constitution can not be abolished. (Parsons v. Bedford, 3 Peters, 443. See also Fenn v. Holme, 21 Howard, 481.)

In equity an issue may be sent to the jury, but the verdict is only advisory. The function of the common-law jury and the effect of its verdict is different.

The preventive relief afforded by equity through injunctions is an essential part of the equity jurisprudence. That jurisprudence came into being only because of the inability of the common law to furnish more than redress for wrongs. It could award damages, but there were an infinite number of cases which its rules and processes did not embrace. The main necessity which called it into existence was the power to afford preventive relief. A bill for permanent injunction was one of the main elements of the system. To strike out of the jurisprudence the bill for injunction would be to destroy the harmony and utility of the jurisdiction. If the power to grant a preliminary injunction, where the efficient exercise of the judicial power in equity demands it, were taken away, the system would be unrecognizable.

In a vast number of cases, Mr. President, the permanent injunction would be fruitless but for the preliminary injunction. It would be an idle thing to decree a permanent injunction to prevent some irreparable wrong if the court did not possess the power in proper cases to prevent the doing of that wrong pendente lite. The first bill in equity I ever drew was for injunction to restrain the negotiation of promissory notes obtained by gross fraud from a farmer and secured by a mortgage on his farm. What relief would equity afford in such case without the preliminary writ, and that, too, without notice? Innumerable cases occur to any lawyer of experience, and are noted in the books, and it has been so from the beginning, in which without preliminary injunction the judicial power of equity to permanently enjoin would be as idle as the wind that blows.

I have not seen a criticism of the reasoning and conclusion of Mr. Justice Story which I have read. Mr. Justice Field, in the case of Taylor v. Hammond (4 Wallace, 411), thus refers to it:

How far this judicial power is exclusive, or may, by the legislation of Congress, be made exclusive, in the courts of the United States has been much discussed, though there has been no direct adjudication upon the point. In the opinion delivered in the case of Martin v. Hunter's Lessee (1 Wheat., 334) Mr. Justice Story comments upon the fact that there are two classes of cases enumerated in the clause cited between which a distinction is drawn; that the first class includes cases arising under the Constitution, laws, and treaties of the United States, cases affecting ambassadors, other public ministers, and consuls, and cases of admiralty and maritime jurisdiction; and that, with reference to this class, the expression is that the judicial power shall extend to all cases; but that in the subsequent part of the clause, which embraces all the other cases of national cognizance and forms the second class, the word "all" is dropped. And the learned justice appears to have thought the variation in the language the result of some determinate reason, and suggests that, with respect to the first class, it may have been the intention of the framers of the Constitution imperatively to extend the judicial power either in an original or appellate form to all cases, and, with respect to the latter class, to leave it to Congress to qualify the jurisdiction in such manner as public policy might dictate.

Mr. Justice Field further says:

Many cogent reasons and various considerations of public policy are stated in support of this suggestion. The vital importance of all the cases enumerated in the first class to the national sovereignty is mentioned as a reason which may have warranted the distinction and which would seem to require that they should be vested exclusively in the national courts—a consideration which does not apply, at least with equal force, to cases of the second class.

Mr. Justice Miller seems to take much the same view. (Miller on the Constitution, p. 312 et seq.)

Now, Mr. President, let me repeat, although I have repeated much, how is it possible that the Congress, having conferred jurisdiction in equity upon an inferior court over one of the cases or controversies named in the Constitution, can withhold in that case the judicial power of the Constitution? If it may

do so in part, it may do so altogether. If it may prohibit, although necessary to the exercise of the judicial power, the right to issue in a proper case a preliminary injunction, why may it not withhold the power to decree a permanent injunction? Whether when the jurisdiction exists the efficient exercise of the judicial power requires the issue of a preliminary injunction would seem to be a question for the judge—a judicial and not a political question—and if Congress may say that, whatever the showing may be, the court having jurisdiction of the suit shall not, although it be, in the opinion of the court, demanded, issue a preliminary injunction, does not the Congress rather than the court really exercise the judicial power? Is it not a commingling of the legislative with the judicial functions? Is it not an emasculation of the judicial power, and an invasion by one department of the Government of the power of another? If the distinction between the jurisdiction which the Congress may withhold and the exercise of the judicial power where jurisdiction exists is destroyed, and the Congress may regulate by act the exercise of the judicial power itself, is this the Government which the framers of the Constitution intended to create?

Is the judiciary an independent department of the Government, which the Constitution intended it to be? If the power exists in any degree to interfere with the exercise of judicial power, except by regulating procedure and practice, it is for Congress alone to say how far that power shall be exercised. It is inconceivable that the judiciary, whose function under the Constitution it is to see to it, among other things, that the executive department and the legislative department keep within the limitations of the Constitution, overturn acts when, in their judgment, they are violative of the fundamental charter, can be, to the extent involved in the amendment here, subject to Congressional control.

It is the function of the Supreme Court and the inferior courts to secure to the citizens the guaranties of the Constitution of life, liberty, and property. It certainly could not have been in the contemplation of the framers that their power to discharge this function should be exercised in given cases not according to the judgment of the court, but according to the legislative will.

It is said by Mr. Justice Baldwin in *ex parte Crane* (5 Peters, 190-202):

Though the courts of the United States are capable of exercising the whole judicial power as conferred by the Constitution, and though Congress are bound to provide by law for its exercise in all cases to which that judicial power extends, yet it has not been done, and much of it remains dormant for the want of legislation to enable the courts to exercise it, it having been repeatedly and uniformly decided by this court that legislative provisions are indispensable to give effect to a power to bring into action the constitutional jurisdiction of the supreme and inferior courts.

There is no question about that.

It is said that in the judiciary act there are prohibitions upon the power of the circuit courts of the United States in equity. That is true. There is a prohibition in the judiciary act that the court shall not have jurisdiction where there is a plain and adequate remedy at law. That is declaratory of the law as it was before the adoption of the Constitution. That is one of the fundamental principles of jurisdiction in equity.

Mr. MORGAN. That is the law now, is it not?

Mr. SPOONER. That is the law now.

Mr. MORGAN. Under the Constitution?

Mr. SPOONER. Under the Constitution, and it was the law of the English chancery before the Constitution. Wherever redress could be afforded at the common law those who were wronged were remitted to the common law; wherever the common law would not and could not afford relief, recourse was had to the courts of chancery if the case were such as to render it possible—a splendid system of jurisprudence, Mr. President. If one will read the maxims of equity, he will find that they are golden lines. There will never come a civilization which they will not fit; they seem almost the "perfection of human wisdom," and how splendidly, all in all, they have been administered by the courts of the United States.

The Supreme Court, sitting here at the capital, removed from the passions of the multitude, far above the prejudices excited among the people, however strong the clamor, however unpopular the litigant, however they may be threatened from without, has gone on in that calm, quiet way which the Constitution contemplated in the discharge of judicial duty. It has done more to assert the vital principles of the Constitution and to protect the people of the United States against wrongs existing and wrongs threatened in a large way than all the Congresses that have convened.

Mr. RAYNER. Will the Senator submit to an interruption?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly; although I know I am making a very disjointed argument.

Mr. RAYNER. It is a highly instructive one to me, but I understand the proposition is that under the Constitution Congress has the right to ordain and establish inferior courts.

Mr. SPOONER. Yes.

Mr. RAYNER. Suppose Congress had never ordained or established any inferior courts?

Mr. SPOONER. Suppose Congress had never established the Supreme Court of the United States.

Mr. RAYNER. No; inferior courts; the Constitution provides for the organization of the Supreme Court. Suppose that Congress—because this is right at the threshold of this inquiry—had never established or ordained an inferior court of the United States, is there any way on earth by which Congress could have been compelled to ordain or establish inferior courts?

Mr. SPOONER. Certainly not.

Mr. RAYNER. Well, now, one moment. There is no power by which you could have compelled Congress to ordain and establish an inferior court?

Mr. SPOONER. No.

Mr. RAYNER. It did establish and ordain inferior courts?

Mr. SPOONER. Yes.

Mr. RAYNER. If there is no way to compel it to establish or ordain an inferior court, why can not Congress destroy an inferior court—abolish an inferior court?

Mr. SPOONER. There are two or three answers to the Senator. There was no way to compel Congress to organize the Supreme Court of the United States. No bill for specific performance would anywhere lie. There was only one power under the bending sky by which that mandatory duty could have been enforced and that is the power in whose interest we are all working here if we are faithful; that is the power of public opinion; that is the power of the people. To have failed to organize it would have been a monumental piece of treason to the Constitution; and it is not to be supposed or imputed to Congress, as the predicate, I beg to say to my friend, of any argument on that subject, it seems to me.

Mr. RAYNER. I am not now speaking of treason or anarchy. I am speaking of constitutional power. I am aware of the fact that if Congress destroyed the courts we would have a condition of anarchy.

Mr. SPOONER. Yes.

Mr. RAYNER. The organization of the Supreme Court is provided for by the Constitution.

Mr. SPOONER. But it required legislation, did it not?

Mr. RAYNER. It required legislation.

Mr. SPOONER. Suppose Congress had not legislated?

Mr. RAYNER (reading)—

The judicial power of the United States shall be vested in one Supreme Court—

Mr. SPOONER. "And"—

Mr. RAYNER. One moment—

and in such inferior courts as the Congress may from time to time ordain and establish.

After vesting the power, the next article provides that—

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction.

Here is the Constitution vesting in the Supreme Court original jurisdiction, and it is giving Congress the right to establish and ordain inferior courts. What do you do with the decision which I referred to before here, in which a unanimous court, in construing that provision, says:

It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers, they could not be restricted or divested by Congress. But as it has made no such distribution one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court or that Congress, having the power to establish the courts, must define their respective jurisdictions.

You do not object to my interrupting you?

Mr. SPOONER. No; if it is not too long.

Mr. RAYNER. There are only three or four lines more.

Mr. SPOONER. Go ahead.

Mr. RAYNER. Very well.

The first of these inferences has never been asserted, and could not be defended with any show of reason, and if not, the latter would seem to follow as a necessary consequence. And it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.

Mr. SPOONER. I admitted that within fifteen minutes after I began this wearisome address.

Mr. RAYNER. You admitted it?

Mr. SPOONER. I admit it now.

Mr. RAYNER. But your argument is dead against the case.

Mr. SPOONER. That begs the question. My argument is not in the slightest degree, with due deference to my friend from Maryland—

Mr. RAYNER. I beg your pardon.

Mr. SPOONER. Contrary to the decision or its reasoning.

Mr. RAYNER. Now, before the Senator goes to that, let me ask just one question, because it seems to me that the lines of opposition are converging and we want to get to some practical understanding if we can.

I understood you to say, in the course of your argument, that you did not object to a provision in this bill that before the suspending orders are issued, either the Interstate Commerce Commission or the shipper should have some notice of the issuance of the orders. Did I understand you to say that you did not object to that?

Mr. SPOONER. Whether I said it or not, I say it now.

Mr. RAYNER. Then let me say—

Mr. SPOONER. That simply regulates the practice.

Mr. RAYNER. It is a matter which goes right to the heart of the bill.

Mr. SPOONER. Let me answer the Senator's question.

Mr. RAYNER. It is a matter which goes to the heart of the controversy.

Mr. SPOONER. That is an afterthought. The argument that has been made here and splendidly made, which I am attempting to controvert, was not upon the question whether Congress can regulate the practice of issuing injunctions so as to require notice; not at all. The judiciary act did that. It was provided in the judiciary act that no injunction should be issued by a Federal court without reasonable notice. It was provided in 1872 that no injunction should be issued by a Federal judge without notice. But the Federal judge was authorized, where, in his judgment, it was necessary to do justice, at the time of issuing the order to show cause, to grant a restraining order. Nobody disputes that. But it is a far, far cry from that to the proposition that the Congress can prohibit a court of equity, clothed by its legislation with jurisdiction and with the judicial power of the Constitution in equity, from granting a preliminary injunction even with notice. Now, to come back—

Mr. RAYNER. I never made any such argument as that.

Mr. SPOONER. I am not arguing this bill. I am discussing this question. I may be wrong about it. This is what troubles me, however: Does the power exist in Congress to confer jurisdiction upon a court to exercise the judicial power of the Constitution in equity, and at the same time has it the power to chip off the judicial power as it chooses, to give power to a court of equity to entertain a bill for specific performance, and yet deny the court the power to issue the writs essential to carry that jurisdiction into effect?

If the broad claim rather argued by the Senator just now, far beyond this matter of notice, is the law in this country, the people of the United States may well beware, because in the last analysis the protection of the people of the United States in the enjoyment of all the personal guaranties of the Constitution is to be found in the courts of the United States. It is not to be found in the Congress. It is not to be found in the White House. It is to be found in the courts.

The preservation of the Constitution itself is to be found in the courts. The last refuge of liberty, of property rights, large and small is in the judiciary of the United States. If you will draw the distinction between jurisdiction and judicial power, I am content. What does the Senator say about that?

Mr. RAYNER. I say, if the Senator will allow me, that this goes back to the proposition upon which I respectfully agree with the Senator from Wisconsin. If you were to take the words "or be suspended" out of this bill, a court of equity would still have the power to issue a preliminary injunction. That is the statement of the Senator—if those words were out of the bill?

Mr. SPOONER. Yes.

Mr. RAYNER. I think most of us agree with the Senator.

Mr. SPOONER. The courts could do so with them in the bill or out of the bill.

Mr. RAYNER. Why, then, do you put them in the bill?

Mr. SPOONER. I did not put them in the bill.

Mr. RAYNER. Why do you object to taking them out of the bill?

Mr. SPOONER. I do not object.

Mr. RAYNER. Then we are getting very close together.

Let me ask the Senator this: If the words "or be suspended" were taken out of this bill—this is a practical proposition—

Mr. SPOONER. Let us have the question.

Mr. RAYNER. I will get to the question as quickly as I can. The bill reads:

Unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.

If the words "or be suspended" were eliminated from the bill, courts of equity would still have a right to issue preliminary injunctions?

Mr. SPOONER. Yes.

Mr. RAYNER. Why did you put them in the bill? That is the question.

Mr. SPOONER. I do not object to striking them out.

Mr. RAYNER. If the Senator does not object to their being stricken out, does the Senator object to adding:

The courts shall not issue preliminary or temporary injunctions without notice to the Interstate Commerce Commission.

Mr. SPOONER. Oh, Mr. President—

Mr. RAYNER. That is the point in controversy. You may call it practice or not; that is, that the inferior courts of the United States shall not issue injunctions against a decision by the Interstate Commerce Commission without giving the Interstate Commerce Commission the right to be heard in answer to the bill for an injunction. You may call it practice or not.

Mr. SPOONER. The Senator can not make any issue with me on that; not at all. His argument the other day, which was quite elaborately based on the words which he recites, was based on nothing if he thinks to-day those words mean nothing whether they are in or taken out. I think they mean nothing in the bill. If they are not in the bill the court would have the power to grant preliminary injunctions. If they are left in the bill, with some other language there, perhaps the court in almost every instance would be obliged to grant a preliminary injunction. I have been in favor of taking them out of the bill. They serve no useful purpose there, it seems to me.

Mr. RAYNER. I agree with you.

Mr. SPOONER. But I have understood Senators on the other side, at any rate the Senator from Texas and some others, not to be content with taking those words out of the bill, but to insist that there shall be put in the bill a provision preventing the granting by interlocutory order of any injunction.

Mr. RAYNER. I understood that fully.

Mr. SPOONER. What is the Senator's opinion about that?

Mr. RAYNER. The Senator's opinion is that you are delivering a very instructive argument upon that proposition, and that there may possibly be some question about it. My argument the other day was based upon the proposition that a suspending order without notice was not a constitutional incident; that to give the court the right to issue a suspending order without notice to the Interstate Commerce Commission was not a constitutional incident under the fifth amendment. I think the lines of opposition are gradually converging on this matter. Would the Senator agree to an amendment here saying that the courts shall issue no suspending order without notice to the Interstate Commerce Commission? That is the point.

Mr. SPOONER. I am not in charge of this bill.

Mr. RAYNER. Would you agree to that?

Mr. SPOONER. I have said that twice. I speak only for myself.

Mr. RAYNER. Then we are getting pretty close together.

Mr. SPOONER. It seems, from the Senator's present statement, that I have been rather close to him all the time. I did not know it.

Mr. RAYNER. I am very glad to have you. You are a very good man to be close to.

Mr. SPOONER. I am obliged to the Senator. But the proposition he is making—

Mr. BACON. Will the Senator from Wisconsin let me ask him a little side question, as it were?

Mr. SPOONER. Certainly.

Mr. BACON. What does the Senator mean—he has repeated it several times and that is the reason why I make the inquiry—when he says Senators "on the other side," referring to this side?

Mr. SPOONER. I understood the Senator from Maryland the other day to speak for Senators on the other side.

Mr. RAYNER. I especially refrained from doing that. I said three times, and if the Senator will be kind enough to read what I said he will find it, that I spoke for no one except myself, and the Senator from Texas also said he spoke for no one but himself. I am in favor of the amendment of the Senator from Texas, and I intend to vote for it if it has no other vote in the Senate. I think there may possibly be some question about the proposition, but I never have thought for a moment that there was any doubt about the proposition that when a rate is fixed by the Interstate Commerce Commission no carrier

should have the right to go into court and obtain an order suspending that rate without giving the Interstate Commission notice of its application to the court.

Mr. SPOONER. Mr. President—

Mr. RAYNER. One moment. Speaking now for myself—

The VICE-PRESIDENT. The Chair understood the Senator from Wisconsin to yield to the Senator from Georgia. The Chair recognizes the Senator from Georgia.

Mr. BACON. I wish to apologize to the Senator from Wisconsin for somewhat diverting his attention from the line of his argument. But this is a question upon which, so far as I know, there is not a division on party lines.

Mr. SPOONER. That is true.

Mr. BACON. Therefore I think it is rather inappropriate for the Senator, as he has done several times in his argument, to refer to the position of Senators "on the other side." Some of us have not yet exactly indicated what our position may be on some of these law points, although we heartily favor the bill in its substance.

Mr. SPOONER. I thank the Senator. It is always a great pleasure to me to be able to agree with him, and I do agree with him that it was an inappropriate thing for me to say.

Mr. RAYNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly.

Mr. RAYNER. The point is that I think we are closing up a part of the controversy.

Mr. SPOONER. No.

Mr. RAYNER. We are getting pretty close to it on suspending orders.

Mr. SPOONER. No; we are not.

Mr. RAYNER. You and I are.

Mr. SPOONER. No; you and I are not.

Mr. RAYNER. Why not?

Mr. SPOONER. Because you will vote for a proposition prohibiting the court from granting an interlocutory injunction.

Mr. RAYNER. I will.

Mr. SPOONER. I will not.

Mr. RAYNER. If that is defeated, and if the Senator will offer an amendment that the Commission shall have notice before the granting of an interlocutory injunction, I will vote for the amendment. I will vote for the amendment if you will give the Commission a right to be heard and not go with your orders before a Federal judge and have the rate enjoined without notice.

Mr. SPOONER. It would be as much the Senator's rate as mine.

Mr. RAYNER. How?

Mr. SPOONER. You said "your orders."

Mr. RAYNER. I am talking about the orders of the Commission.

Mr. SPOONER. I understand the position of the Senator from Maryland, and in order that there may be no mistake about it I will restate it. He is in favor of an amendment prohibiting, no matter what the bill may show, no matter what the exhibit may show, the granting of an interlocutory injunction by the circuit courts of the United States to suspend, pending hearing of all parties, the order. I am not, for I believe it would make the bill unconstitutional.

The Senator, secondly, is in favor, if he can not get that, of prohibiting the issue of an injunction without notice to the Interstate Commerce Commission. I am not in the slightest opposed to that. So that so far as the Senator and I are concerned we understand each other at last. The amendment, or the only part which I am discussing, is this:

Provided, That no rate or charge, regulation or practice prescribed by the Commission shall be set aside or suspended by any preliminary or interlocutory decree or order of the court.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. As I said the other day in making a report on this bill, I spoke for no one but myself. Unfortunately, I am not in a position to confer with the majority of the Committee on Interstate Commerce and get a united opinion of such majority to represent that committee in indicating what its wishes are. Therefore, I again speak only for myself when I say, without any pretense of knowing anything about the law or these constitutional refinements, that if the Supreme Court shall hold that Congress has no power to control these courts which it has created, in an attempt to give the people the relief which is sought in regard to railroad rates and other regulations of railroads, I believe the people will send to Congress men who

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Vote

will give them relief, if they have to do it in the way that Congress once before notified the court, by reason of public opinion, that the legal-tender acts, which had been declared unconstitutional, had to be declared constitutional, and the court was reformed in some way so that it discovered that they were constitutional.

I predict that sooner or later these refinements will all be brushed aside by a Congress which will enact a law prohibiting any inferior judge from suspending the order of the Commission which has given the people relief.

Mr. SPOONER. I never derive very much information or benefit from the advice of a man who prefaces his remarks by saying that he does not know anything about the subject.

The Senator from South Carolina is an honest man. He wants the right thing done about this bill. He wants it, when it passes the Senate, to be a constitutional bill. He does not want it emasculated. Neither do I. He does not want it to contain a taint which would make it a failure after it is enacted. But the Senator must not assume that he is more patriotic than the rest of us. He must not assume that those of us who have spent our lives in the study of the law are not better advised than those who have not as to what is safely and what is not safely within the Constitution. The Senator said the other day that he is a "cornfield" lawyer.

Mr. TILLMAN. I repeat it.

Mr. SPOONER. I have had many "cornfield" lawyers come to me and pay me, to get the opinion and advice of a lawyer who had studied and practiced the law.

Mr. TILLMAN. Nevertheless the Senator can not refine away this cornfield common sense, that whatever you can create, you can control.

Mr. SPOONER. There it is—"cornfield common sense." If the Supreme Court of the United States does not square its decisions with the cornfield common sense of the Senator from South Carolina, he would reform the Supreme Court of the United States; and if the Supreme Court of the United States did square its decisions with some of the cornfield common sense of the Senator from South Carolina, the people of the United States would need to reform the court.

Now, what does the Senator mean? We want the same thing that the Senator wants. Does not the Senator believe—perhaps he would call that a refinement—that the dropping out of the present law of the jury trial provided for by the Constitution, helps this bill any?

Mr. TILLMAN. No; I want it put back.

Mr. SPOONER. Did you learn that in the cornfield—

Mr. TILLMAN. Yes.

Mr. SPOONER. Or from lawyers?

Mr. TILLMAN. I got it from my little knowledge of English jurisprudence and American liberty which I inherited with my mother's milk.

Mr. SPOONER. All right.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. The Senator from Wisconsin can not conclude to-night.

Mr. SPOONER. I only want to say this—

Mr. TELLER. I thought perhaps he would like to quit now and resume in the morning. We want him to go on and finish his speech—everybody does—and I know there are several points on which he can not touch to-night, and I think he intends to touch upon them. Otherwise he would not do justice to the case.

Mr. SPOONER. I have not done justice to the case.

Mr. TELLER. So far as you have gone we do not find any fault. I should like to give the Senator an opportunity to postpone his remarks until to-morrow, if he wants it.

Mr. SPOONER. I hope the Senator from South Carolina will acquit me of any purpose to offend him.

Mr. TILLMAN. I have never found the Senator to be malicious.

Mr. SPOONER. The Senator will permit me. I appreciate his ability and aptitude for the discharge of public duty here, his patriotism, his industry. I appreciate his friendship. I would not want it if I did not appreciate him as an honest man. But the Senator from South Carolina is a little apt, without knowing it, by innuendo to impugn the good faith of men who believe in him and who are as faithful to the public service as he can be. The Senator ought not, because I am dealing with a question of great importance and dealing with a question of constitutional law, to assume, as he seems to do, that this is simply the legal refinement of the lawyer. Does the Senator

think for one moment that we are not trying here to make a good bill of this?

Mr. TILLMAN. I have not said so.

Mr. SPOONER. Does the Senator think that those of us who as lawyers have studied this bill are not doing it as a matter of public duty to help the people in this legislation?

Mr. TILLMAN. I have not said so.

Mr. SPOONER. The Senator from South Carolina would not, if it were left to him, want to have the responsibility of this bill as it came from the House?

Mr. TILLMAN. No; I never would have put in it a third that there is in it.

Mr. SPOONER. The Senator would have left some things out of it that ought to be in it, as the House left some things out of it that ought to be in it; and the Senator may very well be glad, on this complicated and intricate subject, to have the advice and assistance of the lawyers of this body, a class of men a part of whose habit of life it is to be loyal in the discharge of duty to a client, if it be a client; to the people, if they are in the public service.

Mr. TILLMAN. The Senator from Wisconsin does me wrong when he imagines for a moment that I assume that I am any better than any other Senator here in my devotion to the people. I do not claim that. I do not pretend any such thing.

Mr. SPOONER. I know in your sober moments you do not.

Mr. TILLMAN. I am as sober now as I ever was in my life. The Senator has not made me as drunk to-day as he usually does.

Mr. SPOONER. The other day the Senator from South Carolina challenged the Senator from Pennsylvania.

Mr. TILLMAN. On what point?

Mr. SPOONER. As being an attorney for the Pennsylvania Railroad—

Mr. TILLMAN. I had every reason to believe it, because it had been sent broadcast by the Associated Press and all the newspapers.

Mr. SPOONER. As being a man with whom the President could not safely advise on matters of this kind.

Mr. TILLMAN. I say I had seen it. I do not want to have anything to say in regard to the Senator from Pennsylvania, but if the Senator from Wisconsin wants to challenge me—

Mr. SPOONER. No.

Mr. TILLMAN. I will bring out the evidence upon which I based that statement.

Mr. SPOONER. I do not challenge, but the Senator ought to know that he is not to take everything for granted. I have seen things in the newspapers about the Senator from South Carolina. Does the Senator think I would believe them?

Mr. TILLMAN. I did not say I believed these other reports.

Mr. SPOONER. Does the Senator think I would tell them in public as statements which I believe? Not at all.

Mr. TILLMAN. I simply stated about the Senator from Pennsylvania what has been common property to every man who reads newspapers in the United States, and I said it right here where he could hear it.

Mr. SPOONER. The Senator from Pennsylvania—and that is the wickedness of this whirlwind of detraction—a great lawyer, opposed for confirmation (so long ago I dare say it now) upon the theory that he had been in the employ of corporations, has done more, and did do more during his tenure of the Attorney-General's Office to enforce the antitrust law and to carry to successful decision in the highest courts the laws enacted by Congress to protect the people against unlawful combinations than all the men who have been in the Attorney-General's Office for twenty years. I say that without reflection upon his predecessors.

Mr. TILLMAN. Do not let us go off on the Senator from Pennsylvania. I do not want to drag him in.

Mr. SPOONER. It is the principle of the thing.

Mr. TILLMAN. And the Senator brings it up, too, in an unpleasant connection. Why do you not go back to this proposition of cornfield law that the courts of the United States, except the Supreme Court, being statutory courts created by Congress, can be controlled by Congress?

Mr. SPOONER. What does the Senator mean by "control?"

Mr. TILLMAN. Anything; "control" means everything.

Mr. SPOONER. That is the control the Senator would have Congress exercise over the courts. The Senator from Maryland says, sotto voce, "to destroy." The Senator from Maryland is an orator and a lawyer of extraordinary ability—

Mr. TILLMAN. Yes; and you two great lawyers are right here pulling wool over these little technicalities, and when I give you the law you will not take it. [Laughter.]

Mr. SPOONER. When the Senator from Maryland and I are

in conflict on legal propositions it is the place of a cornfield lawyer to keep out of the controversy. [Laughter.]

Now, the Senator from Maryland said it could destroy. Does the Senator from Maryland mean that? Does the Senator from Maryland mean that under the Constitution Congress may pass a law destroying the circuit courts of the United States and the district courts of the United States, putting no inferior tribunal or tribunals in their place in which shall be vested the judicial power of the Constitution?

Mr. RAYNER. I will answer, if the Senator will allow me.

Mr. SPOONER. Does the Senator mean that?

Mr. RAYNER. If you pass a law here and have no court to review the decision, so that you can not execute the fifth amendment, that law would be void. That is an answer to the question. The law itself would be void. For instance, if there is no court now in existence with any right to review the order of the Interstate Commerce Commission under the Hepburn bill, then the very law proposed to be passed here would, under the Minnesota case, be void. I agree with the Senator upon that proposition.

Mr. SPOONER. Does the Senator think that Congress has the constitutional power to obliterate all the inferior courts of the United States by a valid act which does not itself substitute some inferior tribunal in their place?

Mr. RAYNER. I believe that if Congress were to-day to abolish either the district courts or circuit courts—

Mr. SPOONER. Either of them?

Mr. RAYNER. Allow me to finish my answer. If Congress to-day should pass an act abolishing the circuit courts or the district courts either, while that act might be anarchy, there is nothing unconstitutional about it, and nothing the Senator from Wisconsin has said has satisfied me that there would be anything unconstitutional about it. We are not discussing anarchy and we are not discussing treason. I say if there were a law here now before us abolishing the district courts of the United States, there would be nothing unconstitutional in that act.

Mr. SPOONER. The Senator from Maryland concedes my contention. He answered my question as I expected a lawyer like him to answer it. He dared not, as a lawyer, answer it affirmatively, and he did not. He would not here say that it is in the constitutional power of Congress to obliterate the inferior courts of the United States, the courts of equity, the courts of law, the courts in which all offenses against the laws of the United States are tried, the courts, Mr. President, which protect life, liberty, and property under the Constitution, putting none in their place. He would not claim that.

Mr. RAYNER rose.

Mr. SPOONER. Wait a moment. That would be anarchy. That would be hoisting the red flag of revolution.

Mr. RAYNER. I admit all that.

Mr. SPOONER. That would be Jacobinism.

Mr. RAYNER. I admit that.

Mr. SPOONER. That would be treason to the Constitution. The Senator would not say Congress could do that. But the Senator did say that the Congress could obliterate the district courts of the United States or the circuit courts of the United States. Probably so; but that is not all. That would leave the great equity tribunal on the one hand or it would leave the great law tribunal on the other.

But I want to say to the Senator, as he has met me half way, he ought to qualify his proposition and say that the Congress could wipe out the district court or the circuit court if by the same act it clothed the survivor with the law power and the equity power of the Constitution, as the case might be.

Judge Story was not wrong. The mandatory language of the Constitution, that the judicial power of the United States, in law and equity, "shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish," meant something. Out of the exercise of that power, or the execution of it, came the judiciary act, drawn by Oliver Ellsworth in the main, a very important man in the Constitutional Convention, afterwards Chief Justice of the Supreme Court of the United States, and from that day to this, Mr. President, for over a hundred years, we have had the circuit courts and the district courts created by the Congress under the Constitution exercising these functions, and never until now—

Mr. RAYNER. Mr. President, the Supreme Court has said three times that we had absolute control over the inferior courts of the United States, in the case in 8 Howard, another case in 18 Wallace, and the case in 147 U. S., and from that proposition and these premises they have argued the right to regulate them. Now, I do not pretend to say that it would not be anarchy, and chaos, and Jacobinism to abolish them, but the constitutional right of Congress to destroy what the Constitu-

tion has given it the right to ordain and establish is unquestionable in my mind. States can destroy the courts, if they want to. Suppose a State should fail to provide by statute for the crime of murder or any other crime; what would that be? Would that be unconstitutional? It would be anarchy; it would be chaos; it would be Jacobinism, or anything else you may call it; but we are arguing now the constitutional question whether Congress, having the right to ordain and establish, has not the right to destroy. The Constitution gives it the right to ordain and establish. It never would destroy our judicial system; there is not the remotest danger of doing it; the question is utterly impractical and a visionary question, but that it has the constitutional right to do it I never heard questioned by anyone except the Senator from Wisconsin.

Mr. SPOONER. The argument of the Senator is, on the assumption Congress has the power to destroy these courts, substituting none other for them, that Congress has the power, the courts remaining as they are, clothed with the jurisdiction in equity and law, to emasculate that jurisdiction in special cases. That is the argument. The greater includes the lesser. The predicate in the last analysis upon which the contention rests that Congress may take away from a court of equity the power to grant an interlocutory injunction is the power of Congress to revolutionize the country, to destroy these courts.

Mr. RAYNER. Let me say a word to the Senator before he closes.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. I yield.

Mr. RAYNER. There has not been one word said upon this side—I will speak of this side now—in opposition to giving the courts a full review over the decision of the Interstate Commerce Commission.

Mr. SPOONER. I am not talking about that.

Mr. RAYNER. But the Senator's argument tends in the direction that we here were willing to destroy the inferior courts of the United States.

Mr. SPOONER. I am not talking about that, nor do I think it of anyone here.

Mr. RAYNER. The amendment of the Senator from Texas [Mr. BAILEY] proposed the proposition to give the courts a full review—to let the case go up to the courts and give them the right to try the case over again—and the controversy between us was whether or not suspending orders ought to be issued without limitation, without qualification, and without giving notice to the Interstate Commerce Commission of the issue.

Mr. SPOONER. The Senator is making the same observations he has made several times this afternoon. They mean now what they did on each occasion, nothing more and nothing less. I am not discussing this bill, nor whether it is necessary to its constitutionality that there be incorporated in it a provision for a review. I think it is necessary; but I am not discussing that. I am discussing simply the validity of a proposition which has been offered and which I read for myself, and which I think is as I read it. That is what I am discussing, and not the question to which the Senator alludes.

Now, Mr. President, I have spoken under some embarrassment. I will be glad if I may be permitted to conclude in the morning.

Mr. TELLER. I am glad the Senator from Wisconsin will go on to-morrow. The Senator says he has spoken under some embarrassment. I think it is pretty difficult for a man to make a legal argument when he does not occupy the floor more than half the time. There are some points that some of us lawyers in this body would like to hear the Senator upon. I should hope that to-morrow when the Senator takes the floor Senators who may not agree with him will wait until he has a fair opportunity to present his views of the law. There are several points in the bill that any lawyer who has read it must have trouble with. As has been said, it is not a political question. It is an economical question, a question that the people are concerned in and that the property of the country is concerned in. I think we should give the Senator a fair opportunity to present his case, and if anyone wants to challenge it he should challenge it later.

I have heard the Senator say that he thought there are some unconstitutional provisions in the bill. That is what I want to hear him address himself to to-morrow.

Mr. SPOONER. I have been in the habit generally of outlining my own observations.

Mr. TELLER. Yes; I expect the Senator to do that.

Mr. SPOONER. I intend later to discuss the bill, but I have not intended to do so to-day. I do not object to interruptions. I came here ill, and that is what I referred to as an embarrassment.

Mr. RAYNER. I was interrupted a number of times myself.

Mr. SPOONER. I do not object to that at all. I intend to confine myself to a discussion of this one proposition. I wish to discuss the proposition to-morrow that, admitting, for the purposes of the argument, the power of Congress generally to deprive the circuit courts of the United States of the power to grant interlocutory injunctions, to do it in this bill would be upon grounds peculiar to itself unconstitutional.

Mr. TELLER. Of course, I did not intend to intimate that I was going to direct the Senator.

Mr. SPOONER. I know that.

Mr. TELLER. But, knowing something of his views, I want to hear him on two or three other points in the bill. I have an inquiring mind on those questions; and I should like to hear some man upon them who is a recognized authority, as is the Senator from Wisconsin. I should like to hear him discuss those questions.

I do not mean to say that I agree with everything the Senator said here to-day, but I have felt inclined to let him complete his remarks, and if I had any difference of opinion with him I would express it on another day. I know it is not quite easy for a Senator to lay out a plan for the discussion of a legal question and then be diverted by questions that sometimes are not strictly appropriate and proper to what he is discussing. That is what I meant to suggest to the Senator. I meant nothing else.

Mr. SPOONER. I am certain of that.

Mr. SCOTT. Mr. President, there are many of us who are not constitutional lawyers, and not even "cornfield" lawyers, and we would really be glad to listen to the Senator from Wisconsin or any other Senator on constitutional questions and on law with the hope that he may enlighten us so that we can vote intelligently upon the bill that is before us.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, March 23, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, March 22, 1906.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

First Lieut. Wallace M. Craigie, Seventh Infantry, from the Infantry Arm to the Cavalry Arm, with rank from February 2, 1901.

First Lieut. Russell T. Hazzard, First Cavalry, from the Cavalry Arm to the Infantry Arm, with rank from February 2, 1901.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1906.

AMBASSADOR.

Charles S. Francis, of New York, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary.

POSTMASTERS.

GEORGIA.

John B. Dunagan to be postmaster at Jefferson, in the county of Jackson and State of Georgia.

Benjamin A. Lifsey to be postmaster at Barnesville, in the county of Pike and State of Georgia.

S. T. Nance to be postmaster at Arlington, in the county of Calhoun and State of Georgia.

Joel F. Thornton to be postmaster at Greensboro, in the county of Greene and State of Georgia.

INDIANA.

John W. Henderson to be postmaster at Greenwood, in the county of Johnson and State of Indiana.

Albert H. Leist to be postmaster at Michigan City, in the county of La Porte and State of Indiana.

Joseph H. Miller to be postmaster at Syracuse, in the county of Kosciusko and State of Indiana.

INDIAN TERRITORY.

John K. Hannah to be postmaster at Sallisaw, in District Eleven, Ind. T.

KENTUCKY.

Arthur M. Hughes to be postmaster at Louisa, in the county of Lawrence and State of Kentucky.

NEW YORK.

Frank I. Hadaway to be postmaster at Montgomery, in the county of Orange and State of New York.

Egbert L. Hodskin to be postmaster at Fairport, in the county of Monroe and State of New York.

Stott Mills to be postmaster at Warwick, in the county of Orange and State of New York.

OKLAHOMA.

William E. Johnston to be postmaster at Tecumseh, in the county of Pottawatomie and Territory of Oklahoma.

PENNSYLVANIA.

Clark Collins to be postmaster at Connellsville, in the county of Fayette and State of Pennsylvania.

S. Clay Miller to be postmaster at Lancaster, in the county of Lancaster and State of Pennsylvania.

Nathan Tanner to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania.

Frederick W. Ulrich to be postmaster at South Bethlehem, in the county of Northampton and State of Pennsylvania.

WEST VIRGINIA.

Richard A. Hall to be postmaster at Weston, in the county of Lewis and State of West Virginia.

Alonzo E. Lynch to be postmaster at Moundsville, in the county of Marshall and State of West Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 22, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

STATEHOOD BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania makes the following privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House (No. 369), have had the same under consideration, and respectfully report the following in lieu thereof:

"Resolved, That the bill (H. R. 12707) entitled 'An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States,' be, and hereby is, taken from the Speaker's table, with the Senate amendments thereto, to the end that the said amendments be, and hereby are, disagreed to; and a conference be, and hereby is, asked with the Senate on the disagreeing votes on the said amendments, and the Speaker shall immediately appoint the conferees."

Mr. DALZELL. Mr. Speaker, I move the adoption of the report, and on that I ask the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the adoption of the resolution and demands the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 149, noes 124.

Mr. WILLIAMS. Let us have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 153, answered "present" 5, not voting 52, as follows:

YEAS—173.

Acheson	Burton, Ohio	Dawson	Gaines, W. Va.
Adams, Pa.	Butler, Pa.	Deemer	Gardner, N. J.
Allen, Me.	Calder	Denby	Gilbert, Ind.
Allen, N. J.	Campbell, Kans.	Dickson, Ill.	Gillett, Mass.
Andrus	Capron	Dixon, Mont.	Graft
Barchfeld	Cassel	Dovener	Graham
Bates	Chaney	Draper	Greene
Bennet, N. Y.	Chapman	Dresser	Grosvenor
Birdsall	Cocks	Driscoll	Hamilton
Bishop	Cole	Dunwell	Haskins
Boutell	Conner	Dwight	Haugen
Bowersock	Cooper, Pa.	Edwards	Hedge
Bradley	Cooper, Wis.	Ellis	Henry, Conn.
Brick	Cousins	Fassett	Hepburn
Brownlow	Crumpacker	Flack	Higgins
Buckman	Currier	Fletcher	Hill, Conn.
Burke, Pa.	Curtis	Foss	Hinshaw
Burke, S. Dak.	Dalzell	Foster, Ind.	Hoar
Burleigh	Davis, Minn.	Foster, Vt.	Hogg
Burton, Del.	Dawes	Fowler	Howell, N. J.

Huff	McCall	Perkins	Stafford
Hughes	McCarthy	Pollard	Steenerson
Jenkins	McCleary, Minn.	Powers	Sterling
Keifer	McGavin	Prince	Stevens, Minn.
Kennedy, Nebr.	McKinley, Ill.	Reynolds	Sulloway
Ketcham	McKinney	Rhodes	Tawney
Kinkaid	Madden	Rives	Taylor, Ohio
Klepper	Mann	Roberts	Tirrell
Knapp	Michalek	Rodenberg	Townsend
Knopf	Miller	Samuel	Van Winkle
Lacey	Moon, Pa.	Schneebell	Volstead
Lafean	Morrell	Scroggy	Vreeland
Landis, Chas. B.	Mouser	Shartel	Waldo
Law	Murdock	Sherman	Wanger
Lawrence	Norris	Sibley	Watson
Le Fevre	Olcott	Slemp	Weeks
Lilley, Conn.	Olmsted	Smith, Iowa	Wharton
Lilley, Pa.	Overstreet	Smith, Samuel W.	Wiley, N. J.
Littauer	Palmer	Smith, Pa.	Wilson
Littlefield	Parker	Smyser	Wood, N. J.
Longworth	Parsons	Snapp	The Speaker
Lorimer	Payne	Southard	
Loud	Pearre	Southwick	
Lovering		Sperry	

NAYS—153.

Adams, Wis.	Gaines, Tenn.	Lee	Rucker
Adamson	Garner	Legare	Ruppert
Alken	Garrett	Lester	Russell
Babcock	Gilbert, Ky.	Lever	Ryan
Bannon	Gill	Lewis	Shackleford
Bartlett	Gillespie	Lindsay	Sheppard
Beall, Tex.	Gillett, Cal.	Livingston	Sherley
Beide	Glass	Lloyd	Sims
Beidler	Goebel	McCreary, Pa.	Slayden
Bell, Ga.	Goulden	McKinlay, Cal.	Smith, Cal.
Bonyng	Granger	McLachlan	Smith, Ky.
Bowers	Gregg	McLain	Smith, Md.
Brantley	Gronna	McMorran	Smith, Tex.
Brooks, Tex.	Gudger	Macon	Sparkman
Brooks, Colo.	Hardwick	Marshall	Spight
Broussard	Hay	Maynard	Stanley
Brown	Hayes	Meyer	Stephens, Tex.
Burgess	Hearst	Minor	Sullivan, Mass.
Burleson	Henry, Tex.	Mondell	Sulzer
Burnett	Hermann	Moon, Tenn.	Talbot
Byrd	Hill, Miss.	Moore	Taylor, Ala.
Calderhead	Hopkins	Mudd	Thomas, N. C.
Candler	Houston	Murphy	Towne
Clark, Mo.	Howard	Needham	Tyndall
Cockran	Howell, Utah	Otjen	Underwood
Cushman	Humphrey, Wash.	Padgett	Wachter
Davey, La.	Humphreys, Miss.	Page	Wallace
Davidson	Hunt	Patterson, N. C.	Watkins
Davis, W. Va.	James	Patterson, S. C.	Webb
De Armond	Johnson	Pou	Weisse
Ellerbe	Jones, Va.	Pujo	Welborn
Esch	Jones, Wash.	Rainey	Wiley, Ala.
Field	Kellher	Randell, Tex.	Williams
Finley	Kennedy, Ohio	Reeder	Wood, Mo.
Fitzgerald	Kitchin, Claude	Reid	Woodyard
Flood	Kitchin, Wm. W.	Rhinock	Young
Floyd	Kline	Rixey	
French	Knowland	Robertson, La.	
Fulkerson	Lamar	Robinson, Ark.	

ANSWERED "PRESENT"—5.

Alexander	Dixon, Ind.	Richardson, Ala.	Richardson, Ky.
Campbell, Ohio			

NOT VOTING—52.

Ames	Darragh	Hull	Small
Bankhead	Fordney	Kahn	Smith, Ill.
Bartholdt	Fuller	Lamb	Smith, Wm. Alden
Bennett, Ky.	Garber	Landis, Frederick	Southall
Bingham	Gardner, Mass.	Little	Sullivan, N. Y.
Blackburn	Gardner, Mich.	Loudenslager	Thomas, Ohio
Bowie	Goldfogle	McDermott	Trimble
Brundidge	Griggs	McNary	Van Duzer
Butler, Tenn.	Hale	Martin	Wadsworth
Clark, Fla.	Heflin	Nevin	Webber
Clayton	Hitt	Patterson, Tenn.	Weems
Cromer	Holliday	Ransdell, La.	Williamson
Dale	Hubbard	Scott	Zenor

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Until further notice:

Mr. BARTHOLDT with Mr. HEFLIN.

Mr. HITT with Mr. LITTLE.

Mr. CAMPBELL of Ohio with Mr. SOUTHALL.

Mr. FREDERICK LANDIS of Indiana with Mr. DIXON of Indiana.

Mr. WADSWORTH with Mr. BANKHEAD.

Mr. HOLLIDAY with Mr. BUTLER of Tennessee.

Mr. DALE with Mr. BOWIE.

Mr. CROMER with Mr. ZENOR.

Mr. BENNETT of Kentucky with Mr. RICHARDSON of Kentucky.

Mr. ALEXANDER with Mr. CLAYTON of Alabama.

Mr. HUBBARD with Mr. BRUNDIDGE.

For the day:

Mr. WM. ALDEN SMITH with Mr. SULLIVAN of New York.

Mr. GARDNER of Michigan with Mr. GARBER.

Mr. HALE with Mr. McDERMOTT.

Mr. GARDNER of Massachusetts with Mr. CLARK of Florida.

Mr. NEVIN with Mr. GOLDFOGLE.

Mr. MARTIN with Mr. LAMB.
Mr. SCOTT with Mr. McNARY.
Mr. SMITH of Illinois with Mr. RANDELL of Louisiana.
Mr. WEEMS with Mr. VAN DUZER.

For the statehood bill:

Mr. FULLER with Mr. TRIMBLE.

Mr. AMES with Mr. KAHN.

Mr. BLACKBURN with Mr. THOMAS of Ohio.

For the vote:

Mr. BINGHAM with Mr. GRIGGS.

Mr. HULL with Mr. SMALL.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, as is well known, the House at this session of Congress passed a bill admitting to statehood Oklahoma and Indian Territory as one State, and Arizona and New Mexico as another State; two States out of the four Territories. That bill went to the Senate, and came back to the House with sundry amendments, forty in all. Two of those amendments were important ones. One of them eliminated from the bill the provision for the admission of Arizona and New Mexico, the other substituted for the House appropriation of certain lands a different appropriation. As a result, under the rules of the House, the bill would require consideration in Committee of the Whole. Under our practice, therefore, it went at once to the Speaker's table, and from the Speaker's table it would have gone by reference to the Committee on Territories had it not been for an agreement between the parties representing the opposing interests, that it should remain on the Speaker's table. It is now on the Speaker's table, and it can be taken therefrom only in one of three ways: Either, first, by unanimous consent, which of course in this instance can not be had; or, second, by reference to the Committee on Territories; or, third, by a special rule.

If the bill came from the Speaker's table by unanimous consent or by a reference to the Committee on Territories and its subsequent report it would require consideration in the Committee of the Whole. It would require, in other words, the consideration of forty amendments, and the bill would be upon the Calendar without any special privilege whereby it could be reached. It is manifest, therefore, that if we are to have speedy legislation and an adjustment of the differences between the two Houses, the bill must be at once sent to conference, and that is the purpose of the rule that I have introduced. If it be adopted the bill will be taken from the Speaker's table, Senate amendments will be disagreed to, and a conference asked. If the resolution be not adopted the bill will remain on the Speaker's table, subject to be referred to the Committee on Territories by the Speaker, to remain there until that committee shall see fit to report it back to the House.

Mr. Speaker, having explained the parliamentary situation, I reserve the balance of my time.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time.

Mr. WILLIAMS. Mr. Speaker, this rule presents to the House a plain proposition. Whoever votes "aye"—that is, to adopt the rule—votes to cut off and vote down any motion to concur in any Senate amendment which would otherwise, under the rules of the House, have precedence. Mr. Speaker, the usual course of procedure this morning ought have been reversed. We ought to have had, first, the reading and approval of the Journal, and then the moving of the previous question upon this rule, and then an invocation by the Chaplain for the mercy of God upon this Republican House. [Applause and laughter.] In my opinion, they will need it before they get through monkeying with this proposition. I ask those of you who are going to vote for this rule, What is your object in doing it? Why will you cast the vote? What is the object of the leading coterie of the House? Is it to yield later and admit Oklahoma as a State in the Union, as is being bruited as an inducement for your support? My friends, those of you who believe that had best remember the old adage and "fear the Greeks who are bearing gifts." And if it be true that there is an intention later on to yield and admit Oklahoma, then what infinite foolishness and childishness is all this thundering in the index? If you are ready to force a later yielding, why not force it now and save time?

Mr. Speaker, I shall consume no more time. I have appealed to your side of the House once or twice, and have warned them. "Though one rose from the dead" to warn them again, his voice would fall utterly impressionless at their feet.

Mr. Speaker, I now yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, no man regrets more than I to be compelled to vote against the majority of his party, even when that majority is wrong. It is useless to discuss the purpose of this rule. It is perfectly apparent it is a part of a prearranged programme. The object of this rule is to coerce the minority on this side of the House to vote against their honest judgment. [Applause.] The purpose of this rule is to compel us to commit an unnatural crime against Arizona in order that we may be just to Oklahoma and the Indian Territory. This rule links the iniquitous with the righteous and demands that we take both or nothing.

The only reply to these statements is that you are an insurgent. That statement commands neither my respect nor my fear. [Applause.] I am comforted with the thought that the regular of to-day is the insurgent of to-morrow. [Applause.] Many of the most illustrious of the majority to-day but yesterday were enrolled among the most uncompromising of insurgents. The history of the world shows that the defeated are the rebels; that the victorious are the patriots. We may be insurgents in this House, we may be in the minority here; but throughout the country we are in the countless majority. [Applause.]

Public sentiment in favor of admitting Oklahoma and the Indian Territory, without regard to New Mexico and Arizona, is making the atmosphere so hot that those who are opposed to it can not long breathe it and live. Mark the prediction! The insurgents of to-day will be the victors of to-morrow. The rebel of his party will be the patriot of his country. There is nothing involved in this matter except the remote contingency of two additional United States Senators, and every man in this House knows that that is the whole truth. The people know it is the truth, and yet the business of this country must be held up and embarrassed while we wrangle about it.

The people are looking on in amazement and disgust. It is our duty to vote down this rule and settle this question here and now. It is our duty to give statehood to the Indian Territory and Oklahoma and leave the destiny of Arizona and New Mexico to the future. A few days ago the illustrious and beloved Speaker of this House said that the world was growing better; that the people of the present were as honest and intelligent as those who had gone before. To that doctrine I unreservedly subscribe. I do not believe that wisdom will perish from the earth with this Congress. For one I am willing to do our duty now and trust something to the honesty, the wisdom, the justice, and the judgment of those who shall come hereafter. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to the gentleman from Missouri [Mr. FULKERSON].

Mr. FULKERSON. Mr. Speaker, having voted against the adoption of the rule which had the twofold effect of cutting off all right of amendment and of preventing a majority of this body from expressing their real sentiments as to the merits or the demerits of the double-barreled proposition involved in the Hamilton bill, and afterwards having cast my vote for the passage of that same bill, a word of explanation for such seemingly contradictory conduct may not be entirely out of order.

I voted against the adoption of that rule for two reasons, either of which, in my judgment, was more than sufficient to justify my course.

First, I deny the right—not the power, however—of this or any other body to so combine two separate, distinct, and entirely independent propositions that a Member can not vote either aye or nay, nor can he refuse to vote and feel that by so doing he has done his whole duty. There was in this instance no reason for so combining the two double-statehood propositions, and no Member on this floor has yet put forth even a fair excuse for so doing. Hence I voted against the adoption of what I consider an unfair and unjust rule.

Second, I am unalterably opposed to the admission of New Mexico and Arizona Territories to statehood, either united or separated. They and each of them are now in the same condition that every other State of the Union has been in at some period of that State's history, save and except the original thirteen States, to which number, for special reasons, might be added the Lone Star State. The Territories of Arizona and New Mexico are not now fitted for statehood, as this body well knows. Then why not allow them to proceed on their weary way in the same manner that other new States have proceeded? Give them time; if it takes ten years, all right; if it takes a hundred years, all right; but give them an opportunity to show themselves worthy and well qualified, and before admitting them at any future time compel them to do so. The majority of this side of the Chamber admit that neither is entitled to statehood alone, but on the theory that two negatives make an affirmative, I suppose, you try to convince yourselves and this

House that they should be admitted as a single State. But not so. Two Territories wholly unfitted for statehood can not be combined so as to eliminate all objectionable features and stand, thus united, the perfect example of what a Territory ought to be before the greater estate of statehood is conferred. Numbers alone do not make a State, nor are they the strongest factor in determining the right to statehood. The quality should count for more than the quantity. The immediate future prospects of the proposed State—for wealth, for industry, for intelligence, and for all those many qualities that go to make up a strong and powerful community, a community capable of self-government, with an ever-increasing tendency toward still further cultivation of those capabilities—should all be taken into account. Until any given Territory reaches such a stage of development it should not have the effrontery to come here and ask for statehood, and even if it does we should have the moral courage to refuse to grant such a request. The mere possibility that some future Congress may fall so far short in the performance of its duty as to forget the responsibilities which may rest upon it and in an evil hour do something that might turn out wrong, or perhaps enact a piece of legislation that would prove to be unwise, should not deter us from discharging our obligations, and discharging them now. But why borrow trouble? Let us not cross any bridges until we have at least come in sight of them. "Sufficient unto the day is the evil thereof." For reasons stated I voted against the adoption of the rule.

And then when the original bill came before this House for the first time, I consoled myself with the thought that I had done my level best to prevent that nefarious union—this union that could only result in the birth of twin States, even though the advent of one should be so extremely premature as to entitle its arrival to a more accurate and descriptive appellation—and having done my best in a preventive way, I was next forced to the unpleasant alternative of choosing between two evils—that of denying a positive and altogether too long delayed right of statehood to Indian Territory and Oklahoma, or else force upon Arizona the uninvited embraces of an alien and uncongenial, not to say anything about unlovable, neighbor. All things being equal I would have considered it my duty to vote against the passage of the bill, but there are so many more people to suffer for want of statehood in the first-named Territories than there are now in Arizona to suffer by reason of enforced statehood that I finally chose what I considered the lesser of two evils, and hence voted for the bill.

But to-day we are face to face with a new order of things. "The best laid schemes o' mice and men gang aft a-gley." The bill passed by this House did not receive the enthusiastic approval of the Senate, nor did its terms measure up to the requirements and demands of the people. That measure was not right when it left this body. It has been taken by another body, corrected, perfected, and passed by it, and returned here for our concurrence. The opportunity is now presented to us to correct our former blunder. The case is before us as on a motion for a rehearing—a very fortunate thing for us. It does seem that there is something in that old adage that "God takes care of fools and children," for the error committed by us having been pointed out, it is not yet too late, and indeed the opportunity is now afforded us to make the much needed correction.

Oh, why do you wait, dear brothers?
Oh, why do you tarry so long?

Why not come in out of the brush of error and defeat and do our duty, our whole duty by these people of Oklahoma and Indian Territory, and give them statehood? Let us concur in the Senate amendment, and concur now. To longer delay is only to invite further criticism. Every hour we delay this matter will only add to the humiliation of our past error, the humiliation of continued defeat. We all know down deep in our hearts that the Senate bill, so far as the one-State feature is concerned, will become law, or else no statehood at all.

You ask me why the Senate bill will pass or none? I will tell you. Because that body, strange as it may seem to some, is absolutely right on this proposition. They have discussed it, they have deliberated upon it, and they have spoken in no uncertain tones their conclusion. The Senate has the people of this country with them on this proposition, a fact worthy of note and consideration. It has from four to six years of service ahead for two-thirds of its Members, and thus securely intrenched behind all the essential fortifications, why should it yield its present position to an assaulting column unarmed for either offense or defense, and every soldier of our band, including the old General himself, liable to receive his discharge within the next few months.

It is all nonsense to say that the Senate will recede. They will do no such thing. It will be easier and much less expen-

sive to vote to concur in that part of the Senate amendment which strikes out all reference to New Mexico and Arizona than to delay this matter indefinitely and have to include in our expense bill an additional outlay for materials with which to besolve our irritated and inflamed, if not wounded, pride.

And why should New Mexico and Arizona be united? There is no reason on earth for it. New Mexico alone has 122,460 square miles of land surface. All New England, with her six States and twelve United States Senators, has but 61,973 square miles of land surface. New Mexico and Arizona combined have 235,380 square miles of land surface—more than any other State in the Union, except Texas. California, the second State in size, has 155,980 square miles of land surface, yet with Arizona and New Mexico combined into one State you will have an area in which you can place the entire State of California, the entire New England States, Delaware, and New Jersey; have land enough to make another New Jersey and still have hundreds of square miles left. Oh, I hear some one say that this land out West is sandy and can never be cultivated. But such is not the case. The same argument was made against Kansas and Nebraska. Why, there are men here who have seen the old school geographies, which put that land now known as Kansas and Nebraska down on the map as the Great American Desert. And it was correctly described then, too. But that great Republican measure, introduced and pushed through Congress by the great Morrill, of Vermont, the homestead act, has given an opportunity to American pluck and manhood, and by the force of determination and never lessening industry the American farmer, the American homesteader, has pushed back that waste line of the Great American Desert until to-day it is playing hide and seek among the mountains of the far West. And that same pluck, that same determination, can and will transform those desert places of the far West into fertile fields and blossoming gardens. The United States census shows that Arizona during the last decade more than doubled her population. Oklahoma did even better than that, but no State in the Union did as well. The people of Arizona do not ask for statehood, but they do ask to be let alone. I think we should let them alone. I have faith in Arizona's future. I have faith in New Mexico's future. They can and will be developed into great States with great populations. I am surprised that the majority of my colleagues from Kansas and Nebraska should feel as they do toward these Territories and seek to combine them into one State, and that against their will. What has been done in Kansas and Nebraska can and will be done in Arizona and New Mexico. The latter Territories have this very important advantage, they have mineral wealth untold.

But I am still more surprised when these same Members vote to delay statehood for Oklahoma and Indian Territory. But why dwell longer on this painful subject. You have your minds made up and are determined to delay matters. You say your course will eventually bring in the new State of Oklahoma. I hope you are right in your belief. But I am in favor of bringing it in now. Vote to concur in the Senate amendment above indicated, and the forty-sixth State of the Union can be admitted at once. Add one more star to Uncle Sam's bejeweled headgear, and let it stand for the great and growing Commonwealth of Oklahoma. [Applause.]

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, how much time has been consumed by each side?

The SPEAKER. The gentleman from Mississippi has consumed nine minutes, and the gentleman from Pennsylvania three minutes.

Mr. WILLIAMS. Then, Mr. Speaker, I would ask the gentleman from Pennsylvania to consume some of his time.

Mr. DALZELL. Mr. Speaker, I yield three minutes to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Speaker, every consideration of propriety and orderly procedure requires the adoption of this rule, and the reference of this bill to a committee of conference. This bill does not represent any hasty action on the part of the House, or on the part of the majority of the House. The bill was reported by a committee that had carefully considered it. The majority of the House, which is responsible for legislation here, and which never hesitates to assume that responsibility, went into conference to consider what should be done with the bill, and after due consideration it decided that the House ought to pass the bill and send it to the Senate for its concurrence. The House acted upon the recommendation of that majority, and passed the bill and sent it to the Senate for its concurrence. Now, if the Members of the House comprising that Republican majority which passed the bill have any con-

victions of their own, if they are actuated by what they believe to be for the best interests of this great country, they ought to stand by those convictions and send the bill to conference. They should indicate by their action here that they are not to be turned aside or to be blown down by every breath of hot air that comes to us from the north end of the Capitol. [Applause and laughter.] The bill as it passed the House, embodied the convictions of the majority voting for it upon the question of statehood for Arizona and New Mexico. And nothing has occurred during the few weeks that have elapsed since the bill passed the House to change in any way the question of statehood for those two Territories. The character of the two Territories has not changed in this brief time. Their population has not materially increased. The sands are as parched, the mines as rich, the irrigated patches as green and fertile, as when we voted for double statehood. If, therefore, we who supported the bill a few weeks ago have any self-respect, if we have any regard for the dignity and prestige of the House, we will stand by this resolution and send the bill to conference.

Why, our distinguished friends on the other side, who are urging us now in the most earnest way to back down and concur in the amendment of the Senate cutting out statehood for Arizona and New Mexico, would be standing in their places jeering at us for our lack of stability, for our lack of leadership, for our lack of ability to resist the encroachments of the Senate if we were proposing to yield at this time and agree to the Senate amendment cutting out statehood for those two Territories. We are not determining to-day what will be the fate of the bill. We are deciding to-day that the bill, with the Senate amendments, shall take the usual course—shall be sent to a committee of conference. When that committee reports the House will have an opportunity to determine what its final position upon the propositions involved shall be. Now we are standing for our self-respect. We are standing for the dignity and integrity and prestige of the House. We are standing for the proposition that when, as the representatives of 80,000,000 people, we, after due consideration, deliberately crystallize our convictions and send to the Senate for concurrence a bill embodying those convictions, we are not to be expected to surrender to or adopt the suggestions of that great body until we have had an opportunity to meet it in conference and to satisfy it, if possible, that we, and not it, are right.

It is a matter of history that in the Fifty-seventh Congress the House considered this very matter, and finally sent to the Senate for concurrence a bill creating four States out of these four Territories. You remember what became of that bill. You recall how the Senate so amended it as to provide for the very double statehood for which the House is struggling in its efforts to pass this bill. It is a further matter of history that in the Fifty-eighth Congress the House, after reflecting upon the course taken by the Senate in the preceding Congress, and after many personal interviews with many of the members of the Senate, passed a bill providing for the same double statehood for which the Senate had stood in the preceding Congress. That bill failed to receive the approval of the Senate. But we were assured that the failure was due to accident. Then at the opening of this Fifty-ninth Congress, after listening to the recommendation of President Roosevelt indorsing the double statehood proposition, this bill was passed and sent to the Senate for its concurrence. The propositions involved in this bill, therefore, are not new to the Congress. Each of the coordinate branches of the Congress has expressed its views upon these propositions. Now, let us send the bill to conference. And let us send it with sufficient momentum to impress upon the other coordinate branch of Congress that in passing the bill the House stood for its convictions. [Applause.]

Mr. DALZELL. Mr. Speaker, I yield two minutes to my colleague from Pennsylvania, Mr. SIBLEY.

Mr. SIBLEY. Mr. Speaker, there seems to be from all sections of the country a universal desire that Oklahoma shall receive that to which she is entitled, namely, statehood. There seems to be but one way that Oklahoma can secure statehood and that is by sending this bill to conference. [Applause.] I suppose that there is not a Member here who has not received letters or telegrams urging him in behalf of justice to give Oklahoma statehood. Now, I want to see Oklahoma have statehood, and take the floor simply to say to those people who are sending telegrams to me and to other Members of this body that those telegrams should be directed to the gentlemen sitting at the other end of this Capitol. Let those telegrams go to the Senators. We have passed through this House a measure which gives Oklahoma statehood and which confers upon Arizona and New Mexico statehood. Therefore I am sure that they are wasting their money in telegraphic tolls in asking us to recede. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. BABCOCK. Mr. Speaker, I propose to vote against this rule, and I do so because it is an innovation on the practices of the House, and intended to prevent this body from expressing itself fully and freely. The usual practice, as we all know, is when a House bill comes back with Senate amendments for the chairman to move concurrence or nonconcurrence. Often many amendments are concurred in and others are nonconcurred in and then a conference is asked for. In this case, Mr. Speaker, the House is denied the privilege of the ordinary motion to concur in the Senate amendments, which would end the whole proposition and admit Oklahoma and Indian Territory. Now, we have had some experience with this same proposition before in sending a bill to a committee of conference. It is a good burying ground. This same bill sent there last Congress never came back. Mr. Speaker, I hope that this bill will appear before this Congress and that this body will have an opportunity to express itself intelligently on these amendments, but I make this prediction now, and I believe that if this rule is adopted it ends the whole proposition and we will not have an opportunity to vote upon it again this session. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman from Pennsylvania to consume some of his time.

Mr. DALZELL. I wish the gentleman now to use all of his time, because I prefer to reserve the remainder of mine. I have only twelve minutes.

Mr. WILLIAMS. I will ask the gentleman from Pennsylvania whether he is going to consume all the balance of his time in one speech or not?

Mr. DALZELL. No; I am not.

Mr. WILLIAMS. Then, Mr. Speaker, I submit that the gentleman use some part of his time now.

Mr. DALZELL. Well, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the dictatorial manner by which the representative of the minority on this floor undertakes to perform upon the discretion of those on this side of the House is significant of the condition we are in. A solid Democratic vote, regardless of every consideration, apparently, undertakes to not only agitate this side of the House, but dictate the time and manner in which we shall present the affirmative of a question with which we are charged and which the other side of the House is charged with no duty except to follow. It is a most remarkable situation. It indicates that arrogant dictatorial spirit that undertakes to misrepresent purposes and disposition. Now, I want to reply to the gentleman from Wisconsin in the speech he made. What warrant has he to impugn the honor and integrity of the majority on this floor? What warrant has he to say that a proposition sent by a majority of this House to a conference is to be buried? Has there been any effort to bury anything during the progress of this contention? The majority of the House of Representatives have been called together time after time and the course of events have been conducted by the will of that majority. The majority has grown in the conference. Conference after conference has been held and the same expression of opinion has been given, and we are standing exactly by the wish of the majority of the House. I do not impugn any man's motive who feels he is bound at this particular moment of time to break asunder from the control of the majority and vote in favor of some amendment—I do not know what—but I do stand for the orderly procedure of this bill. We are doing just exactly what we do under all circumstances almost. There has not been an appropriation bill passed in this House of any considerable importance in years gone by that has not taken exactly the course that this bill is taking now. It is sent to a conference. The Senate has amended their bill. We know nothing about the spirit with which it has been done, but it has made an important amendment to the House bill.

Now, what is this vote? This vote is to say to the Senate, "We desire to consult with you now about what is to be done in regard to these differences of opinion," and that is all there is involved in here. The time may come when more than that will be made an issue upon this particular bill, but at the present time we stand simply in favor of an orderly procedure, as the gentleman from Vermont has very well said. The other side—a dictatorial Democratic side—is that something different and otherwise than the ordinary rules shall be done, because, forsooth, a solid Democratic vote is in favor of it. If the Republican House desire to make themselves felt upon legislation of the Fifty-ninth Congress they will have to stand together and demand recognition at the hand of whoever may contest, but it will be a bad day for Republican domination in this House when the gentleman from Mississippi is allowed to

crack his party whip about his own side of the House and then seek to disorganize and break up the Republican side of the House. Nothing is going to be concluded by this vote; the bill is to go to conference. I have yet to have heard before that an important bill was ever smothered in conference, and it would be perfectly fair for the gentleman from Wisconsin, if he knows of any such bill, to tell us when it was and under what circumstances.

Mr. BABCOCK. This very same bill in the last Congress.

Mr. GROSVENOR. Not at all.

Mr. BABCOCK. Was it ever reported back to the House after conference?

Mr. GROSVENOR. Not because of any refusal upon the part of the House to have a report made.

Mr. BABCOCK. It is out of the hands of the House when in conference.

Mr. GROSVENOR. When final disagreement was inevitable and both Houses stood in opposition to each other, as a matter of course there can be no report made. There was no report ready and there could be no report. The gentleman talks about an organized purpose here and makes a prediction. Well, my prediction is that the gentleman is mistaken in his proposition.

Mr. BABCOCK. I do say that the bill in the last Congress went to conference and stayed there.

Mr. DALZELL. I will say to the gentleman from Mississippi that I propose to use my seven minutes after he is through on his side.

Mr. WILLIAMS. Mr. Speaker, that remark is unnecessary. If the gentleman had waited a minute, he could have relied on the gentleman from Mississippi doing what was fair. I yield five minutes to the gentleman from Minnesota.

Mr. BEDE. Mr. Speaker, if there is any gentleman in this Chamber who is opposed to the admission of Oklahoma, I pause here to give him an opportunity to say so now; and if he does not, I will ask him forever after to hold his peace. If we are all in favor of admitting Oklahoma—and you say it is one of the Administration measures—and you have an opportunity to do it now in ten minutes, why do you not get busy and admit Oklahoma, and not hitch it up with some other proposition that is not an Administration measure? [Loud applause.] The President has not asked us to include four Territories in one bill. If we have to hitch up—

Mr. HAMILTON. Will the gentleman allow me to ask him a question?

Mr. BEDE. I will, if the gentleman will take it out of his own time, but I do not yield for the gentleman to take it out of my time.

Mr. HAMILTON. I can not do that.

Mr. BEDE. Hitching up Oklahoma with Arizona and New Mexico is about like the way Noah put the menagerie into the ark when he numbered the animals two by two, the elephant and the kangaroo. [Laughter.] It is about time we get down to business and do things right and legislate on one question at a time. When I think of the proposition of hitching up New Mexico and Arizona I am reminded of the two Mormon boys who went to an eastern State to school. They gave the same family name, and the teacher said, "You are brothers, are you?" and they said, "Yes." They gave their ages the same, and the teacher said, "You are twins, are you?" They said, "Yes; on our father's side." [Laughter.] So Arizona and New Mexico are twins on the father's side. They both came from Mexico, but they had different mothers, and they have learned different languages and have different institutions. It is an insult to both of them to hitch them up together and force them in against their will, and an insult to Oklahoma, with her 2,000,000 population, to hitch her up to these Territories jointly or severally in this bill.

You say we are against the Administration. I am not against the Administration. I am with the Administration on everything except this bill and the wife-beating bill. [Laughter.]

In his message a year ago the President gave eight lines advocating the whipping post for the wife beater, and this year he gave us thirteen lines for the admission of these four Territories. Which is the Administration measure? Some of the leaders induce the President to put in his message a few lines favoring their kind of statehood, and then "point with pride" and cry aloud that we are opposing the Administration if we do not stand for it. On such minor matters I must guide myself.

I like the President. I like him because he is enlisted in a great work; he is in the midst of great deeds; he is intrenched with high resolves—a lofty purpose at every outpost—while his pavilion round about him is a nation's regard.

But I like him best because he permitted a Member of this

House to break into his private home without sounding an alarm, I like him because when he got ready to give his daughter away he gave her to a real American, in every way worthy of the gift, and not to some degenerate prince, unappreciative of our institutions. [Applause.] I like him because when he gave her away he gave her to a Member of the House of action and correction at this end of the Capitol, and not to the House of detention at the other. [Applause.]

But the Senate has acted. It has done what the President urged us to do—to admit Oklahoma and the Indian Territory as one State; and in ten minutes we can make those Territories a State. The question is, Will we do it? Are you willing to do part of what the President recommended, when you know that you can not do all that he recommended? Ah! You throw a lot of criticism at the Senate. I wish to go on record as saying that never in the history of the United States have we had so able a Senate as we have to-day; never. [Applause.]

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. WILLIAMS. I yield one minute more to the gentleman.

Mr. BEDE. Mr. Speaker, I have been granted one minute more. They talk about a Senator of the United States holding up the whole country. We have a strong man in the House who can hold up 100,000 square miles more than anybody in the Senate. [Laughter.] This time the Senate has done something, and it has done the right thing. If we are looking for a quarrel with the Senate, let us quarrel with it when the Senate is wrong and we are right. Let us not quarrel with it when we are wrong and it is right. I appeal to every man who stands for justice and fairness to vote against this resolution, and let us get to this business on its merits, which we are refused the opportunity to do under the special rule now offered to the House. [Applause.]

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. How much time has this side left?

The SPEAKER. Three minutes.

Mr. WILLIAMS. I yield those three minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, in the very short time that I have of course I could not discuss the beauties or the iniquities of this rule. The plain proposition presented to us, and upon which we are to vote, is, Shall we admit Oklahoma and the Indian Territory to statehood, or shall we retire them to the conference committee? There is nobody in this House and nobody in the other House, nobody, so far as I know, in the country, who openly opposes the admission of the Indian Territory and Oklahoma to statehood; but it is very evident that there are a good many here and a good many elsewhere who secretly and hypocritically oppose that admission. There are officeholders down there who are not in favor of statehood. There are persons here and elsewhere who have friends and perhaps relationships closer than friendships down there. There are persons who profit by this chaotic condition which they would perpetuate. There are persons who are making money out of keeping the Indian Territory and Oklahoma in the condition in which they are. The honest citizenship of both Territories is overwhelmingly in favor of admission to statehood. The honest citizenship of the United States is overwhelmingly in favor of admitting those Territories to statehood. Nothing but what you choose to call "politics," nothing that is American, nothing that has reason or right to stand upon, opposes it. A vote for this rule is distinctly, directly, positively, knowingly a vote to keep Oklahoma and the Indian Territory out of the Union. [Applause.] Cast that vote if you please, but in casting it know what you do. Know that others know what you do. [Applause.] A vote against this rule is a vote to submit to this House the question of concurrence to the Senate amendment, the adoption of which by this House will send to the President a bill to admit Oklahoma and the Indian Territory to statehood. Deny by your superior voting power, if you choose, to two millions of American citizens down there, not merely the privilege but the absolute right of admission to statehood; but when you do it, take the responsibility for it. Do not attempt elsewhere, as you seem to be attempting here, to delude anybody into the belief that principle or right or precedents or justice or any other thing that you can stand upon—that can be explained, declared, or defended—can justify your action. [Applause.]

Mr. DALZELL. Mr. Speaker, I listened with a great deal of interest, as the House always does, to the gentleman from Minnesota [Mr. BEDE], and he was very entertaining, as he always is. I listened to the speech of my friend from Missouri [Mr. DE ARMOND], which I have so often heard, as to the iniquities of the rules of this House; but after all it seems to me that the Members of the House want to know just what is

involved in this vote, and I propose to tell them in a few moments in a plain, simple way. There is nothing extraordinary involved in this proceeding, either from a parliamentary point of view or from any other point of view. The gentleman from Mississippi [Mr. WILLIAMS] a few days ago put into the Record a brief as to the parliamentary situation which entirely misrepresented the parliamentary situation. He cited a precedent established in the Forty-eighth Congress where a bill was taken from the Speaker's table, but taken from the Speaker's table under a rule which prevailed in the Forty-eighth Congress and does not prevail in this Congress. In the Forty-eighth Congress the Speaker's table was one of the calendars of the House and could be approached by a motion as any other calendar could be approached. Under our rules any bill with an amendment calling for an appropriation, unless by unanimous consent, must go to the committee that originated the bill by way of the Speaker's table, so that there is nothing unusual in this situation so far as that is concerned.

The gentleman from Wisconsin [Mr. BABCOCK] says that you are deprived of the right to concur in the Senate amendments. The gentleman from Wisconsin [Mr. BABCOCK], if he knows anything about the rules of this House, knows that no such concurrence is possible or ever was possible save by unanimous consent, and that is absolutely out of the question in the present situation. Now, instead of proceeding in an unusual and extraordinary way, the House is proceeding to-day in a decent and orderly way, following the usual means pursued of bringing together the two Houses to settle their differences.

Mr. BEDE. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. BEDE. Does the gentleman deny that if the Speaker of the House would give his consent that we could get unanimous consent of the House?

Mr. DALZELL. I think so; yes.

Mr. BEDE. I think not.

Mr. DALZELL. I think the gentleman would not get unanimous consent as long as I had a voice. Now, there is nothing extraordinary in the parliamentary proceeding at all. It is not the advocates of the House measure, but the opponents of the House measure who are seeking to resort to extraordinary tactics. The customary way when the Senate sends a House bill back to the House with disagreement and with amendments thereto is for the House to seek a conference, a full and free conference, with the Senate, and thereby seek an adjustment of the differences. The gentlemen who are opposing the House bill would have us, instead of going to a full and free conference where we might adjust our differences, adopt without further parley the Senate bill as against the House bill. Will anyone show me any good reason why the House should abandon its policy and accept the Senate policy without even the formality of a conference—why we should lower our flag and enlist under the Senate flag? The Senate of the United States is not dealing out any such courtesy to us. There are bills over there on important subjects, sent from the House, that are meeting with scant courtesy. There will be between this and the adjournment of this session many opportunities for negotiation with the Senate upon matters in which the House is interested, and it seems to me becoming in us not to announce in advance a policy of surrender, but to stand by our guns. [Applause.]

Mr. Speaker, let me refer to a few facts. In the Fifty-eighth Congress the Republican House of Representatives passed a bill admitting Oklahoma and Indian Territory as one State and Arizona and New Mexico as another State. The President of the United States, adopting the policy of a Republican House, indorsed that policy and recommended its adoption in his message. The Republican House of the Fifty-ninth Congress, this House, adopted precisely the same measure that was adopted by the Republican House in the last Congress, and the Senate demurs to our policy. What is it now that I am asking you to do? Nothing unusual. I am asking you to stand by the Republican measure of the Fifty-eighth Congress. I am asking you to stand by the indorsement and recommendation of your own Republican President. I am asking you to stand by the policy of the House of this Fifty-ninth Congress. I am asking you to stand by your own personal honor and dignity, and the honor and dignity and independence of the House of Representatives intrusted by the people to your keeping. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. WILLIAMS. Mr. Speaker, I think we better save the time of the House and have the yeas and nays now. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 156, answered "present" 6, not voting 46, as follows:

YEAS—175.

Acheson	Dixon, Mont.	Knopf	Rhodes
Adams, Pa.	Dovener	Lacey	Rives
Allen, Me.	Draper	Lafean	Roberts
Allen, N. J.	Dresser	Landis, Chas. B.	Rodenberg
Andrus	Driscoll	Law	Samuel
Barchfeld	Dunwell	Lawrence	Schneebell
Bates	Dwight	Le Fevre	Scroggy
Bennet, N. Y.	Edwards	Lilley, Conn.	Shartel
Birdsall	Ellis	Lilley, Pa.	Sherman
Bishop	Fassett	Littauer	Sibley
Boutell	Flack	Littlefield	Slomp
Bowersock	Fletcher	Longworth	Smith, Iowa
Bradley	Foss	Lorimer	Smith, Samuel W.
Brick	Foster, Ind.	Loud	Smith, Pa.
Brownlow	Foster, Vt.	Lovering	Smyser
Buckner	Fowler	McCall	Snapp
Burke, Pa.	Gaines, W. Va.	McCarthy	Southard
Burke, S. Dak.	Gardner, N. J.	McCleary, Minn.	Southwick
Burleigh	Gilbert, Ind.	McGavin	Sperry
Burton, Del.	Gillett, Mass.	McKinley, Ill.	Stafford
Burton, Ohio	Graft	McKinney	Steenerson
Butler, Pa.	Graham	Madden	Sterling
Calder	Greene	Mahon	Stevens, Minn.
Campbell, Kans.	Grosvenor	Mann	Sulloway
Capron	Hamilton	Michalek	Tawney
Cassel	Haskins	Miller	Taylor, Ohio
Chaney	Haugen	Moon, Pa.	Tirrell
Chapman	Hedge	Morrell	Townsend
Cocks	Henry, Conn.	Mouser	Tyndall
Cole	Hepburn	Murdock	Van Winkle
Conner	Higgins	Norris	Volstead
Cooper, Pa.	Hill, Conn.	Olcott	Vreeland
Cooper, Wis.	Hinshaw	Olmsted	Waldo
Cousins	Hoar	Overstreet	Wanger
Crumacker	Hogg	Palmer	Watson
Currier	Howell, N. J.	Parker	Weeks
Curtis	Huff	Parsons	Weems
Dalzell	Jenkins	Payne	Welborn
Davis, Minn.	Keifer	Pearre	Wharton
Dawes	Kennedy, Nebr.	Perkins	Wiley, N. J.
Dawson	Ketcham	Pollard	Wilson
Deemer	Kinkaid	Powers	Wood, N. J.
Denby	Klepper	Prince	The Speaker
Dickson, Ill.	Knapp	Reynolds	

NAYS—156.

Adams, Wis.	Fulkerson	Knowland	Rhinock
Adamson	Gaines, Tenn.	Lamar	Rixey
Aiken	Garner	Lamb	Robertson, La.
Babcock	Garrett	Lee	Robinson, Ark.
Bannon	Gilbert, Ky.	Legare	Rucker
Bartlett	Gill	Lester	Ruppert
Beall, Tex.	Gillespie	Lever	Russell
Bede	Gillett, Cal.	Lewis	Ryan
Beidler	Glass	Lindsay	Shackleford
Bell, Ga.	Goebel	Livingston	Sheppard
Bonyng	Goulden	Lloyd	Sherley
Bowers	Granger	McCreary, Pa.	Sims
Brantley	Gregg	McKinlay, Cal.	Slayden
Brooks, Tex.	Griggs	McLachlan	Small
Brooks, Colo.	Gronna	McLain	Smith, Cal.
Broussard	Gudger	McMorran	Smith, Ky.
Brown	Hardwick	McNary	Smith, Md.
Burgess	Hay	Macon	Smith, Tex.
Burleson	Hayes	Marshall	Sparkman
Burnett	Heast	Maynard	Spight
Byrd	Henry, Tex.	Meyer	Stanley
Calderhead	Hermann	Minor	Stephens, Tex.
Candler	Hill, Miss.	Mondell	Sullivan, Mass.
Clark, Mo.	Hopkins	Moon, Tenn.	Sulzer
Cockran	Houston	Moore	Talbot
Cushman	Howard	Mudd	Taylor, Ala.
Darragh	Howell, Utah.	Murphy	Thomas, N. C.
Davey, La.	Humphrey, Wash.	Needham	Towne
Davidson	Humphreys, Miss.	Otjen	Underwood
Davis, W. Va.	Hunt	Padgett	Wachter
De Armond	James	Page	Wallace
Ellerbe	Johnson	Patterson, N. C.	Watkins
Esch	Jones, Va.	Patterson, S. C.	Webb
Field	Jones, Wash.	Pou	Weisse
Finley	Keliber	Pujo	Wiley, Ala.
Fitzgerald	Kennedy, Ohio	Rainey	Williams
Flood	Kitchin, Claude	Randell, Tex.	Wood, Mo.
Floyd	Kitchin, Wm. W.	Reeder	Woodyard
French	Kline	Reid	Young

ANSWERED "PRESENT"—6.

Alexander	Campbell, Ohio	Richardson, Ala.	Richardson, Ky.
Bowie	Dixon, Ind.		

NOT VOTING—46.

Ames	Fordney	Hull	Smith, Wm. Alden
Bankhead	Fuller	Kahn	Southall
Bartholdt	Garber	Landis, Frederick	Sullivan, N. Y.
Bennett, Ky.	Gardner, Mass.	Little	Thomas, Ohio
Bingham	Gardner, Mich.	Loudenslager	Trimble
Blackburn	Goldfogle	McDermott	Van Duzer
Brundidge	Hale	Martin	Wadsworth
Butler, Tenn.	Heflin	Nevin	Webber
Clark, Fla.	Hitt	Patterson, Tenn.	Williamson
Clayton	Holliday	Randell, La.	Zenor
Cromer	Hubbard	Scott	
Dale	Hughes	Smith, Ill.	

So the resolution was agreed to.

The Clerk announced the following additional pair:
Until further notice:

Mr. BINGHAM with Mr. VAN DUZER.

The result of the vote was announced as above recorded.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. The Chair announces the following conferees. The Clerk will report the names of the conferees.

The Clerk read as follows:

Mr. HAMILTON, Mr. BRICK, and Mr. MOON of Tennessee.

Mr. WILLIAMS. Mr. Speaker, I want to offer a motion which is right here and now in order.

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. I rise for the purpose of offering a motion which is here and now in order.

The SPEAKER. If so it will here and now be considered. [Applause and laughter.] The Clerk will report the resolution.

The Clerk read as follows:

Moves to instruct the conferees on the part of the House of Representatives to agree to the amendment of the Senate striking the provision admitting Arizona and New Mexico out of the bill as it passed the House.

Mr. WILLIAMS. Mr. Speaker, now I wish to be heard upon the point of order. I have the floor, I believe.

Mr. PAYNE rose.

Mr. DALZELL. Mr. Speaker, I make the point of order—

Mr. WILLIAMS. I have the floor, I believe.

The SPEAKER. One moment. For what purpose does the gentleman from New York rise?

Mr. PAYNE. I rose to make the point of order, but the gentleman from Pennsylvania made it. I make the point that the House having adopted the resolution sending the bill to a free and full conference, and the conferees having already been appointed, this resolution of the gentleman from Mississippi is out of order.

The SPEAKER. The Chair will hear the gentleman from Mississippi through courtesy upon the point of order, although the Chair is prepared to rule in the line of precedents upon this matter that are as strong as they can be.

Mr. WILLIAMS. Mr. Speaker, I am profoundly grateful to the Chair for the courtesy of the Chair; and when I get through arguing the point of order the country will be profoundly grateful to the Speaker for his sense of justice, to be shown by his ruling that the motion is in order. I ask the Chair to listen respectfully and seriously to the reasons which I have to give why the motion sent up is in order. I ask the Chair to dismiss from his mind, as far as he can, every consideration that conflicts with an impartial hearing, in order to arrive at a just conclusion.

The SPEAKER. The Chair will hear the gentleman from Mississippi briefly. [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I have long since learned to be thankful for "brief" favors, even. Now, the adoption of this resolution has a certain effect. The effect of its adoption is to send this bill to conference, and that is all of the effect of the adoption of this resolution.

The SPEAKER. Will the gentleman, upon that point, listen to the concluding words of the order that has been adopted by the House? "And the Speaker shall immediately appoint the conferees," which the Speaker has done.

Mr. WILLIAMS. Why, I had read that, and for that very reason I made the motion between the time of the announcement of the vote and the appointment of the conferees.

The SPEAKER. As a question of fact, the gentleman did not have the floor. The Chair was in the performance of his duty, under the direction of the resolution, and the gentleman did not have the floor for the purpose, and did not make the motion.

Mr. WILLIAMS. Mr. Speaker, I heard the names announced.

The SPEAKER. And could not under the operation of the rule.

Mr. WILLIAMS. Mr. Speaker, if the Chair will listen to me; the Chair has so frequently outdebated me and argued me while on the floor, I thought I had an opportunity to do the arguing myself once in a while, when he was in the chair, and to submit this question to him as a judge and not as a debater upon the other side. The names of the conferees have not been announced to the House, and therefore, the conferees not having been appointed until now—

Mr. HAMILTON. The names have been announced.

Mr. WILLIAMS. The Speaker has not announced the names of the conferees as yet, and as usual in almost every case before the conferees are appointed, the Speaker says he will appoint the conferees now.

The SPEAKER. Let us get at the question of facts. On the contrary, the conferees have been announced.

Mr. HAMILTON. Everybody around here heard the names of the conferees announced.

Mr. WILLIAMS. Mr. Speaker, I was upon my feet to the very best of the capacity of my lungs claiming the attention of the Speaker before the announcement of the conferees, and the Speaker must have heard me, and when the Speaker recognized me at all his recognition related back to the time when I claimed his recognition.

Mr. DALZELL. He did not recognize you at all.

Mr. WILLIAMS. That is the ordinary practice of the House. It may be as the Speaker said, that the Clerk had read the names of the conferees to the House. If so, I confess I did not hear them. Others around me say they did not. Of course if it is a fact it is a fact, and the Speaker's word is sufficient for me, even if others did not hear it.

Now, Mr. Speaker, passing that point, when a recognition is granted, it is a recognition from the time that the recognition was claimed, and when this recognition was claimed, I was upon my feet struggling with all the vociferousness of any man of my poor lungs alone to obtain that recognition at the proper time, and I want to read a couple of authorities. The effect, as I understand, now is that this resolution puts this matter in conference.

I read from the Manual, as follows:

It is in order to instruct conferees, and the resolution of instruction should be offered after the House has voted to insist and ask a conference, and before the conferees have been appointed.

That refers to section 1379, Parliamentary Precedents of the House of Representatives, first session of the Forty-ninth Congress, Record, page 7404, and other authorities which the Speaker will there find. Now, "the House having instructed its conferees, in the first instance, should have to inform the Senate by message of the instruction. The latter body objected to the instruction, and to the transmission of them by message." That would seem at first blush to be somewhat the other way. That went to the Senate upon a motion made by the gentleman from Alabama [Mr. UNDERWOOD] of this body to instruct the conferees after a matter had been voted to conference and before the conferees were appointed. After the motion had been made upon this floor to disagree and go to a conference and before the conferees were actually appointed the motion was made by the gentleman from Alabama, and the Speaker of the House at that time ruled that was in order. The Senate, the rebel against which we are kicking this morning, resisted that, but the authority is plain, so far as House action is concerned.

The SPEAKER. The Chair is ready to rule.

The resolution adopted by the House a short time ago is the rule of the House and binding on the House, and on the Speaker as the presiding officer of the House. It begins "Resolved," etc., and the conclusion of the rule is "And the Speaker shall immediately appoint the conferees." That binds the House; that binds the Speaker, and under a rule adopted by the majority it binds the gentleman from Mississippi as well, whatever may have been his opinion or that of the minority of the House as to the propriety of the adoption of the rule. The Chair will not take much of time in referring to authorities, but will ask the Clerk to read a ruling made by Mr. Speaker Carlisle, when he was Speaker, that follows the ruling in such cases.

The Clerk read as follows:

The gentleman from Michigan has raised the point of order that the resolution can not be acted on because the subject is not before the House. The House having disposed of it by further insisting upon its disagreement to the Senate amendment and requesting a conference, and the managers of the conference having been appointed on the part of the House, theoretically, of course, the matter has gone to the Senate and is not in the House.

Therefore the Speaker did not entertain the motion of instruction.

The SPEAKER. That is under the ordinary rules of the House. In their operation the motion to instruct conferees always follows after the motion to disagree with the Senate and before the appointment of the conferees. In the case upon which Speaker Carlisle ruled that was under the ordinary rules of the House. The House had disagreed to the Senate amendments and the conferees had been appointed. Immediately thereafter the Member from Michigan moved the instruction, and Speaker Carlisle, in the opinion which the Chair has had read to the House, held the motion out of order; but the Chair again calls the attention of the House to the fact that this is a proceeding under his rule, which not only by virtue of its adoption nonconcurs in every one of the forty amendments to the bill and asks a conference, but in the language of the rule—

And the Speaker shall immediately appoint the conferees—

binds the Speaker. The conferees were appointed, and, in the language of Speaker Carlisle, theoretically at least, the House has not the bill; it has gone to the Senate, and therefore, under the provision of the special order, the Chair sustains the point of order.

Mr. LITTAUER. Mr. Speaker—

The SPEAKER. The gentleman from New York.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. I rise for the purpose of appealing from the decision of the Chair.

The SPEAKER. From the ruling of the Chair the gentleman from Mississippi [Mr. WILLIAMS] appeals.

Mr. DALZELL. And I move to lay that appeal on the table.

The SPEAKER. The gentleman from Pennsylvania moves to lay the appeal on the table.

The question was taken on the motion of Mr. DALZELL; and on a division (demanded by Mr. WILLIAMS) there were—ayes 146, noes 91.

Accordingly the appeal was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13194. An act to authorize the Secretary of the Interior to reclassify the public lands of Alabama;

H. R. 16381. An act leasing and demising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company;

H. R. 15583. An act to authorize the Madison Bridge Company to construct a bridge across the St. Francis River in St. Francis County, Ark., at or near the town of Madison, in said county and State; and

H. R. 4736. An act for the relief of the County of Custer, State of Montana.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4886. An act to simplify the issue of enrollments and licenses of vessels of the United States; and

S. 4109. An act to increase the efficiency of the Bureau of Insular Affairs of the War Department.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12845. An act to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory; and

H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. GEORGE R. PATTERSON, late a Representative from the State of Pennsylvania.

Resolved, That a committee of six Senators be appointed by the Vice-President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Senate communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

And that in compliance with the foregoing resolutions the Vice-President had appointed, under the second resolution, as the committee on the part of the Senate to act in conjunction with the committee on the part of the House of Representatives, Mr. PENROSE, Mr. KNOX, Mr. ALLEE, Mr. SCOTT, Mr. BACON, and Mr. DUBOIS.

Also:

Senate concurrent resolution No. 160.

Resolved by the Senate (the House of Representatives concurring), That the invitation extended to the Congress of the United States by the American Philosophical Society of Philadelphia, Pa., to attend the celebration of the two-hundredth anniversary of the birth of Benjamin Franklin, to be held at Philadelphia, Pa., commencing April 17, 1906, be, and is hereby, accepted.

That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee, to consist of six Senators and ten Representatives of the Fifty-ninth Congress, to attend the celebration referred to, and to represent the Congress of the United States on that occasion.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who also informed the House of

Representatives that the President had approved and signed bills of the following titles:

On March 15, 1906:

H. R. 58. An act to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations; and

H. J. Res. 83. Joint resolution for report, and so forth, upon the preservation of Niagara Falls.

On March 16, 1906:

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

On March 17, 1906:

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.;

H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels; and

H. R. 15263. An act to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

SENATE BILLS REFERRED.

Under clause 2, of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4109. An act to increase the efficiency of the Bureau of Insular Affairs of the War Department—to the Committee on Military Affairs.

S. 4886. An act to simplify the issue of enrollments and licenses of vessels of the United States—to the Committee on Merchant Marine and Fisheries.

Senate concurrent resolution 16:

Resolved by the Senate (the House of Representatives concurring), That the invitation extended to Congress of the United States by the American Philosophical Society, of Philadelphia, Pa., to attend the celebration of the two hundredth anniversary of the birth of Benjamin Franklin, to be held at Philadelphia, Pa., commencing April 17, 1906, be and is hereby accepted.

That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of six Senators and ten Representatives of the Fifty-ninth Congress to attend the celebration referred to, and to represent the Congress of the United States on that occasion—

To the Committee on Rules.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled bills, reported that they had found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15583. An act to authorize the Madison Bridge Company to construct a bridge across the St. Francis River, in St. Francis County, Ark., at or near the town of Madison, in said county and State;

H. R. 4736. An act for the relief of the county of Custer, State of Montana;

H. R. 1056. An act granting a pension to Galon S. Clevenger;

H. R. 9216. An act granting an increase of pension to Catharine R. Mitchell;

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 484. An act granting a pension to William Mayer;

H. R. 628. An act granting a pension to David L. Finch;

H. R. 1569. An act granting a pension to Elizabeth Murray;

H. R. 1775. An act granting a pension to Alexander Kinnison;

H. R. 1803. An act granting a pension to George S. Taylor;

H. R. 1809. An act granting a pension to Lener McNabb;

H. R. 1857. An act granting a pension to Emeline Malone;

H. R. 1888. An act granting a pension to William T. Scandlyn;

H. R. 1912. An act granting a pension to Julia A. Powell;

H. R. 1977. An act granting a pension to Emma C. Anderson;

H. R. 2006. An act granting a pension to Florence B. Knight;

H. R. 2093. An act granting a pension to Sarah A. Pitt;

H. R. 2614. An act granting a pension to General M. Brown;

H. R. 2736. An act granting a pension to William Merideth;

H. R. 3384. An act granting a pension to Benjamin H. Decker;

H. R. 4704. An act granting a pension to Alice Rourke;

H. R. 6148. An act granting a pension to Henry P. Will;

H. R. 6921. An act granting a pension to Eliza B. Wilson;

H. R. 7478. An act granting a pension to George W. Jackson;

H. R. 7984. An act granting a pension to Henry R. Hill;

H. R. 8826. An act granting a pension to Elizabeth A. Mason;

H. R. 9593. An act granting a pension to Charles M. Priddy;

H. R. 9887. An act granting a pension to George Saxe;

H. R. 9955. An act granting a pension to James W. Baker;

H. R. 10353. An act granting a pension to Thomas B. Davis;

H. R. 10677. An act granting a pension to Maria Elizabeth Posey;

H. R. 10770. An act granting a pension to Helen P. Martin;

H. R. 10920. An act granting a pension to Mary Edna Cameron;

H. R. 11078. An act granting a pension to Rosa Zurrin;

H. R. 11625. An act granting a pension to William C. Robison;

H. R. 12516. An act granting a pension to James S. Randall;

H. R. 12720. An act granting a pension to Sarah Duffield;

H. R. 12955. An act granting a pension to Lyman Critchfield, jr.;

H. R. 13161. An act granting a pension to Cynthia A. Embry;

H. R. 13165. An act granting a pension to Martin Nolan;

H. R. 13282. An act granting a pension to Lydia B. Bevan;

H. R. 13402. An act granting a pension to John Reynolds;

H. R. 485. An act granting an increase of pension to William H. Bantom;

H. R. 550. An act granting an increase of pension to Joseph E. Scott;

H. R. 1058. An act granting an increase of pension to Alphonso H. Harvey;

H. R. 1071. An act granting an increase of pension to William K. Keech;

H. R. 1137. An act granting an increase of pension to Abraham M. Kaufman;

H. R. 1205. An act granting an increase of pension to Samuel P. Bigger;

H. R. 1243. An act granting an increase of pension to John W. Burton;

H. R. 1331. An act granting an increase of pension to Roswell J. Kelsey;

H. R. 1440. An act granting an increase of pension to Matilda E. Lawton;

H. R. 1460. An act granting an increase of pension to Charles W. Renell;

H. R. 1533. An act granting an increase of pension to Harvey J. Fulmer;

H. R. 1566. An act granting an increase of pension to Thomas Lowry;

H. R. 1685. An act granting an increase of pension to George W. Bedient;

H. R. 1742. An act granting an increase of pension to Jonathan Daughenbaugh;

H. R. 1787. An act granting an increase of pension to Joseph M. West;

H. R. 1911. An act granting an increase of pension to Harriet E. Grogan, formerly Preston;

H. R. 1962. A act granting an increase of pension to George C. Myers;

H. R. 1967. An act granting an increase of pension to Joseph Baker;

H. R. 1968. An act granting an increase of pension to John Monroe;

H. R. 1997. An act granting an increase of pension to Sanford C. H. Smith;

H. R. 2060. An act granting an increase of pension to John Farrel;

H. R. 2080. An act granting an increase of pension to Sydney A. Asson;

H. R. 2088. An act granting an increase of pension to Sewall A. Edwards;

H. R. 2100. An act granting an increase of pension to Hiram Wilde;

H. R. 2150. An act granting an increase of pension to William E. Smith;

H. R. 2151. An act granting an increase of pension to Lydia C. Wood;

H. R. 2244. An act granting an increase of pension to Fred Dilg;

H. R. 2245. An act granting an increase of pension to Troy Moore;

H. R. 2264. An act granting an increase of pension to Robert McAnally;

H. R. 2344. An act granting an increase of pension to Selden C. Clobridge;

H. R. 2443. An act granting an increase of pension to George W. Mower;

H. R. 2705. An act granting an increase of pension to Henry W. Perkins;

H. R. 2749. An act granting an increase of pension to Agnes Flynn;

H. R. 2763. An act granting an increase of pension to Anthony Sherlock;

H. R. 2766. An act granting an increase of pension to Horace E. Brown;
 H. R. 2982. An act granting an increase of pension to Ansel K. Tisdale;
 H. R. 2991. An act granting an increase of pension to Henry F. Landes;
 H. R. 3225. An act granting an increase of pension to William B. Philbrick;
 H. R. 3255. An act granting an increase of pension to Isaac N. Ray;
 H. R. 3284. An act granting an increase of pension to Jeremiah Callahan;
 H. R. 3397. An act granting an increase of pension to Nicholas Chrisler;
 H. R. 3418. An act granting an increase of pension to John Snouse;
 H. R. 3435. An act granting an increase of pension to Thomas W. Sallade;
 H. R. 3452. An act granting an increase of pension to Jacob McGaughey;
 H. R. 3553. An act granting an increase of pension to Levi Pick;
 H. R. 3557. An act granting an increase of pension to James B. Wilkins;
 H. R. 3685. An act granting an increase of pension to James O. Tobey;
 H. R. 3698. An act granting an increase of pension to Joseph E. Miller;
 H. R. 3811. An act granting an increase of pension to James White;
 H. R. 3981. An act granting an increase of pension to John McKeever;
 H. R. 4219. An act granting an increase of pension to John C. Keener;
 H. R. 4257. An act granting an increase of pension to Alice M. Durney;
 H. R. 4596. An act granting an increase of pension to John J. Hughes;
 H. R. 4616. An act granting an increase of pension to William W. West;
 H. R. 4759. An act granting an increase of pension to Jane E. Bullard;
 H. R. 4810. An act granting an increase of pension to Jerome Goodsell;
 H. R. 4816. An act granting an increase of pension to John A. Sherwood;
 H. R. 4823. An act granting an increase of pension to John G. C. Macfarlane;
 H. R. 4832. An act granting an increase of pension to Henry W. Yates;
 H. R. 4989. An act granting an increase of pension to Dominick Arnold;
 H. R. 5026. An act granting an increase of pension to Asa Tout;
 H. R. 5215. An act granting an increase of pension to Jennie Little;
 H. R. 5383. An act granting an increase of pension to John W. Davis;
 H. R. 5553. An act granting an increase of pension to Oliver L. Kendall;
 H. R. 5564. An act granting an increase of pension to Albert G. Cluck;
 H. R. 5615. An act granting an increase of pension to John Coleman, jr.;
 H. R. 5616. An act granting an increase of pension to Edger Schroeders;
 H. R. 5724. An act granting an increase of pension to William O. Gillespie;
 H. R. 5727. An act granting an increase of pension to William T. Harris;
 H. R. 6066. An act granting an increase of pension to Albert H. Lewis;
 H. R. 6177. An act granting an increase of pension to John Haack;
 H. R. 6395. An act granting an increase of pension to Daniel Ward;
 H. R. 6453. An act granting an increase of pension to William H. Marsden;
 H. R. 6507. An act granting an increase of pension to James M. Busby;
 H. R. 6508. An act granting an increase of pension to John P. Moore;
 H. R. 6918. An act granting an increase of pension to Heinrich Krumdick;

H. R. 6936. An act granting an increase of pension to William Miller;
 H. R. 6988. An act granting an increase of pension to Seymour Cole;
 H. R. 7208. An act granting an increase of pension to Thomas G. Massey;
 H. R. 7223. An act granting an increase of pension to George Blair;
 H. R. 7229. An act granting an increase of pension to Slater D. Lewis;
 H. R. 7396. An act granting an increase of pension to John E. Ball;
 H. R. 7412. An act granting an increase of pension to Isaiah Collins;
 H. R. 7547. An act granting an increase of pension to George W. Allison;
 H. R. 7615. An act granting an increase of pension to Joseph D. Tate;
 H. R. 7622. An act granting an increase of pension to Hermann Lieb;
 H. R. 7631. An act granting an increase of pension to Joseph W. Foster;
 H. R. 7765. An act granting an increase of pension to George Gaylord;
 H. R. 7770. An act granting an increase of pension to Burgess Cole;
 H. R. 7815. An act granting an increase of pension to Thomas G. Covell;
 H. R. 7827. An act granting an increase of pension to William H. Uhler;
 H. R. 7883. An act granting an increase of pension to Daniel Dilts;
 H. R. 8048. An act granting an increase of pension to William F. Bottoms;
 H. R. 8063. An act granting an increase of pension to Mary Coburn;
 H. R. 8161. An act granting an increase of pension to Alonzo Douglas;
 H. R. 8176. An act granting an increase of pension to Thomas E. Bishop;
 H. R. 8202. An act granting an increase of pension to Henry Guy;
 H. R. 8207. An act granting an increase of pension to Daniel A. Proctor;
 H. R. 8208. An act granting an increase of pension to Eli Brainard;
 H. R. 8218. An act granting an increase of pension to Mary C. Spangler;
 H. R. 8275. An act granting an increase of pension to Robert Aucock;
 H. R. 8289. An act granting an increase of pension to Isaac J. Holt;
 H. R. 8376. An act granting an increase of pension to Mary J. McConnell;
 H. R. 8607. An act granting an increase of pension to Arthur Haire;
 H. R. 8642. An act granting an increase of pension to Henry Crandell;
 H. R. 8739. An act granting an increase of pension to Frank N. Gray;
 H. R. 8836. An act granting an increase of pension to Elizabeth C. Howell;
 H. R. 8917. An act granting an increase of pension to James Hines;
 H. R. 9127. An act granting an increase of pension to Isaac L. Rerick;
 H. R. 9235. An act granting an increase of pension to Kate H. Kavanaugh;
 H. R. 9248. An act granting an increase of pension to James T. Butler;
 H. R. 9249. An act granting an increase of pension to Richard S. Cromer;
 H. R. 9267. An act granting an increase of pension to William Cook;
 H. R. 9447. An act granting an increase of pension to John L. Edmundson;
 H. R. 9860. An act granting an increase of pension to Joseph H. Hirst;
 H. R. 10047. An act granting an increase of pension to George W. Ellicott;
 H. R. 10166. An act granting an increase of pension to Elizabeth Morgan;
 H. R. 10217. An act granting an increase of pension to William A. Barnes;

H. R. 10271. An act granting an increase of pension to Stephen G. Smith;
 H. R. 10322. An act granting an increase of pension to Edger W. Calhoun;
 H. R. 10399. An act granting an increase of pension to John H. H. Sands;
 H. R. 10478. An act granting an increase of pension to William McGowan;
 H. R. 10632. An act granting an increase of pension to Samuel Preston;
 H. R. 10723. An act granting an increase of pension to Benjamin French;
 H. R. 10724. An act granting an increase of pension to David Bruce;
 H. R. 10725. An act granting an increase of pension to Etta D. Conant;
 H. R. 10817. An act granting an increase of pension to William J. Morgan;
 H. R. 10827. An act granting an increase of pension to Frank Crittenden;
 H. R. 10886. An act granting an increase of pension to Martha S. Campbell;
 H. R. 10894. An act granting an increase of pension to William J. Riley;
 H. R. 10897. An act granting an increase of pension to Isaac Deems;
 H. R. 10914. An act granting an increase of pension to John Hamilton;
 H. R. 11000. An act granting an increase of pension to Martha J. Wilson;
 H. R. 11052. An act granting an increase of pension to John P. Vance;
 H. R. 11065. An act granting an increase of pension to Joseph Pollard;
 H. R. 11071. An act granting an increase of pension to Allen E. Williams;
 H. R. 11107. An act granting an increase of pension to William E. Fritts;
 H. R. 11196. An act granting an increase of pension to William H. Joslyn;
 H. R. 11259. An act granting an increase of pension to Barnes B. Smith;
 H. R. 11335. An act granting an increase of pension to Thomas Chandler, alias Thomas Cooper;
 H. R. 11353. An act granting an increase of pension to Isaac M. Woodworth;
 H. R. 11408. An act granting an increase of pension to George W. Reed;
 H. R. 11415. An act granting an increase of pension to Victoria Bishop;
 H. R. 11416. An act granting an increase of pension to Lizzie Belk;
 H. R. 11516. An act granting an increase of pension to Marquis D. L. Staley;
 H. R. 11557. An act granting an increase of pension to Clinton A. Chapman;
 H. R. 11687. An act granting an increase of pension to Matt Fitzpatrick;
 H. R. 11689. An act granting an increase of pension to Byard H. Church;
 H. R. 11742. An act granting an increase of pension to Charles H. Culver;
 H. R. 11745. An act granting an increase of pension to James D. Billingsley;
 H. R. 11849. An act granting an increase of pension to Robert M. Young;
 H. R. 11886. An act granting an increase of pension to Solomon R. Trueblood;
 H. R. 11927. An act granting an increase of pension to Calvin D. Weatherman;
 H. R. 12090. An act granting an increase of pension to Mary M. Stark;
 H. R. 12229. An act granting an increase of pension to Reuben I. Turckheim, alias Joseph Adler;
 H. R. 12275. An act granting an increase of pension to Verelle S. Willard;
 H. R. 12289. An act granting an increase of pension to Joseph C. Grissom;
 H. R. 12292. An act granting an increase of pension to George T. Hill;
 H. R. 12351. An act granting an increase of pension to John Foltz;
 H. R. 12354. An act granting an increase of pension to Tillman T. Herridge;

H. R. 12391. An act granting an increase of pension to J. Frederick Edgell;
 H. R. 12396. An act granting an increase of pension to James Hutchinson;
 H. R. 12494. An act granting an increase of pension to John H. Crane;
 H. R. 12565. An act granting an increase of pension to Jeremiah Kincaid;
 H. R. 12903. An act granting an increase of pension to Daniel T. Ferrier;
 H. R. 12948. An act granting an increase of pension to Frederick Bierley;
 H. R. 13035. An act granting an increase of pension to Maggie D. Russ;
 H. R. 13166. An act granting an increase of pension to William Evans;
 H. R. 13348. An act granting an increase of pension to Nancy F. Shelton;
 H. R. 13611. An act granting an increase of pension to William Clough;
 H. R. 13643. An act granting an increase of pension to Davis W. Hatch;
 H. R. 13976. An act granting an increase of pension to John R. Stalcup;
 H. R. 14123. An act granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner;
 H. R. 14358. An act granting an increase of pension to William H. Morrow;
 H. R. 14719. An act granting an increase of pension to Hannah A. Preston;
 H. R. 6009. An act to regulate the construction of bridges over navigable waters;
 H. R. 14515. An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances;
 H. R. 15521. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.; and
 H. J. Res. 115. A joint resolution amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906.

CHANGE OF REFERENCE.

Mr. CURTIS. I ask unanimous consent to withdraw Senate bills 134 and 1669 and have them recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection?

There was no objection.

WAR CLAIMS.

Mr. MAHON. Mr. Speaker, this being the day set apart for the consideration of war claims, I move to substitute Friday of next week, the 30th of this month.

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] moves that Friday of next week be substituted for today for the special order for the consideration of war claims. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472—the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, \$50,000.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that I may proceed for fifteen minutes instead of five.

Mr. LITTAUER. In connection with this bill?

Mr. UNDERWOOD. I shall speak on this bill and on other matters.

Mr. LITTAUER. Can you not defer it? This bill has been held along now for so many days.

Mr. UNDERWOOD. I will say to the gentleman that I do not desire to defer it.

Mr. LITTAUER. I desire very much to go ahead with the bill.

Mr. UNDERWOOD. There is a general latitude allowed in the debate, and if the gentleman does not wish it he can raise the point of order. I make the request.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for fifteen minutes. Is there objection?

There was no objection.

[Mr. UNDERWOOD addressed the committee. See Appendix.]

The Clerk read as follows:

The Public Printer shall submit for the fiscal year 1907, and annually thereafter, estimates for all clerks and other employees, additional to the foregoing, who are required in the executive or administrative offices of the Government Printing Office.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. I notice that the paragraph just read provides that the Public Printer shall submit for the fiscal year 1907, and annually thereafter, estimates, etc. When is he to submit those estimates?

Mr. LITTAUER. In the annual estimates which, according to law, are submitted to the Houses of Congress on the first Monday in December of each year.

Mr. COOPER of Wisconsin. Has he ever been before required to submit that?

Mr. LITTAUER. He never has been as to clerks employed in the administrative offices in addition to the seven above specified.

Mr. COOPER of Wisconsin. Would it be implied that he must submit that on the first Monday of December?

Mr. TAWNEY. Mr. Chairman, I will say that the law specifically requires all officers to submit estimates on or before the first Monday of December, and this provision requires the Public Printer to submit an estimate for his entire administrative force, and of course he must submit it in accordance with the law requiring other Departments to submit estimates.

Mr. COOPER of Wisconsin. Does the gentleman call the Public Printing Office a Department?

Mr. LITTAUER. No; it is an independent office.

Mr. COOPER of Wisconsin. Then would a statute merely requiring a "Department" to submit an estimate at a certain time compel also the Public Printer to submit an estimate at the same time?

Mr. LITTAUER. Unless I am mistaken, the statute requires that all Government officers shall submit their annual estimates on the first Monday in December. The annual estimates for the Public Printer, except this small force, have been considered in the sundry civil bill.

Mr. COOPER of Wisconsin. But there is a difference between a statute requiring a Department to submit an estimate and a statute drawn like this, which simply requires a bureau chief to submit one.

Mr. LITTAUER. But the Public Printer is subordinate to no Department; he is an independent force or office.

Mr. COOPER of Wisconsin. Well, to whom would he submit this report?

Mr. LITTAUER. To Congress. He reports directly to Congress.

Mr. COOPER of Wisconsin. Is there any general statute which provides that all reports of estimates by bureau chiefs directly to Congress shall be made at a certain time?

Mr. LITTAUER. Yes.

Mr. COOPER of Wisconsin. I thought the gentleman stated that the requirements relate to reports of estimates by Department chiefs.

Mr. TAWNEY. I may have said Departments; but all officers, heads of Departments or otherwise, are required to submit annual estimates to the Secretary of the Treasury first, and then the law requires the Secretary of the Treasury to transmit them to Congress on or before the first Monday in December of each year.

Mr. LITTAUER. I would state to the gentleman also that the Public Printer submits estimates each year according to the law, and the object of this provision is that he should submit specific estimates for all clerks and other employees required in the executive or administrative offices of the Public Printer.

Mr. COOPER of Wisconsin. One moment. The gentleman from New York said a moment ago that under this particular paragraph the Public Printer would submit these estimates to Congress.

Mr. LITTAUER. Yes.

Mr. COOPER of Wisconsin. The gentleman from Minnesota has just said that there is a general statute which requires bureau chiefs to submit their estimates to the Secretary of the Treasury.

Mr. TAWNEY. Heads of Departments.

Mr. COOPER of Wisconsin. Well, heads of Departments.

Mr. LITTAUER. And the method of transmission to Congress is through the Secretary of the Treasury.

Mr. COOPER of Wisconsin. But the Public Printer is an independent office, subject to no Department, and therefore a statute which merely requires "Department" chiefs to submit estimates at a certain time would not at all fix a definite time for the submitting of estimates by the Public Printer.

Mr. LITTAUER. But the law declares all officers of the Government should submit estimates, whether they be Department chiefs or otherwise. The Public Printer does now submit estimates, but we desire to have these estimates in a specific shape, especially as refers to his clerks and administrative employees. The gentleman will readily recognize that a force of seven clerks is not the entire executive force in connection with the Public Printer's office. We sought this year to find out whether we could not, in view of much that is gone on in investigation in connection with the public printing, take up the entire executive force specifically.

Mr. COOPER of Wisconsin. Will the gentleman permit me? The object of the paragraph, of course, I understand and deem commendable. The only point I sought to raise was this, whether under this particular paragraph there was a time definitely fixed for the submission of estimates by the Public Printer.

Mr. LITTAUER. The law declares that on or before the 15th day of October these estimates must be forwarded by the officers of the Government to the Secretary of the Treasury, who transmits them to Congress.

Mr. CRUMPACKER. And the Secretary sends a printed copy to each Congressman.

Mr. LITTAUER. Yes, sir; on the assembling of Congress.

Mr. CRUMPACKER. I remember having received one in the mails at the beginning of this Congress.

Mr. TAWNEY. I will state, Mr. Chairman, for the information of the gentleman from Wisconsin, that the Public Printer is to-day submitting his estimates through the Secretary of the Treasury to Congress, for all the money that he deems necessary to conduct the office of Public Printer, or Government Printing Office. Now, all of his estimates and all of the appropriations for his department to-day, except a few executive clerks carried in the legislative bill, are carried in the sundry civil bill, and it is in connection with the preparation of the sundry civil bill that his estimates are now to be considered for the next fiscal year. Now, then, we ask him to submit a detailed statement with respect to all classes of employees in connection with the executive department of the Printing Office, and instead of carrying them in a lump sum, as heretofore, under the sundry civil appropriation bill, he will have to specify particularly all the clerks, the salaries paid to all the clerks, and that will afford Congress an opportunity to review these salaries and reduce them if in the judgment of Congress they should be reduced. It is simply a change in the form of submitting the estimates, and instead of being in a lump form carried in the sundry civil appropriation bill he will hereafter submit estimates in detail as to the executive force. The rest of the force will be carried in the sundry civil bill as heretofore.

The Clerk read as follows:

Order (purchasing): For chief of division, \$2,500; assistant, \$1,500; assistant, \$1,200; three assistants, at \$900 each; two assistants, at \$720 each; two assistants, at \$600 each; assistant, \$520; and two messenger boys, at \$360 each; in all, \$11,780.

Mr. JOHNSON. I move to strike out the last word, so as to inquire of the gentleman having the bill in charge as to the object of this purchasing agent having a force of eleven clerks drawing salaries; and I would like to know what they do?

Mr. LITTAUER. The chief of the order division has in charge the recording and all the work in connection with the purchase of books and the correspondence attending purchases from appropriations, amounting to a total of nearly \$100,000. In addition thereto this division has charge of receiving all additions to the Library, from whatever source they may come, from the operation of the copyright law or from gifts, exchanges, or otherwise.

Mr. JOHNSON. There is another provision in the bill for the copyright force which carries about \$75,000.

Mr. LITTAUER. That appropriation is to take care of the business under the copyright law itself, and to make the proper records in connection with the granting of copyrights. This

order division of the Library is in charge of all accessions to the Library proper, whether by purchase or by gift, or through the operation of the copyright law. As the gentleman knows, the Library receives two copies of everything that is copyrighted.

Mr. JOHNSON. Does not the gentleman think that for purchases amounting to \$100,000, \$11,000 for clerks to make these purchases rather exorbitant?

Mr. LITTAUER. I did at first think so; but if the gentleman will turn to page 74 of the hearings he will find a question as to this expense was put to the Librarian of Congress, and his answer was very plain. He said:

It has to do not merely with purchases, but with all material that comes into the Library proper, from whatever source—for instance, from copyrights, so far as copyright deposits are drawn on by the Library proper. They have to be passed through the order division and entered there and stamped there. Material coming by gift and exchange also passes through it.

The Librarian then proceeds to comment on the character of work extending to the purchase of \$98,000 worth of books, annually.

Mr. JOHNSON. Mr. Chairman, I withdraw the pro forma amendment. I wanted information. I thought the amount rather large.

The Clerk read as follows:

Periodical (including evening service): For chief of division, \$2,000; chief assistant, \$1,500; two assistants, at \$900 each; stenographer and typewriter, \$900; three assistants, at \$720 each; two messenger boys, at \$360 each; for arrears of sorting and collating and to enable periodical reading room to be open in the evenings, two assistants, at \$720 each; in all, \$10,520.

Mr. HARDWICK. Mr. Chairman, I reserve the point of order on the provision for an additional stenographer and typewriter, in line 21, page 26. I want to know why they want this stenographer.

Mr. TAWNEY. Will the gentleman permit me to ask him a question? Do you think this typewriter is necessary, or do you know anything about it?

Mr. HARDWICK. I am asking the gentleman in charge of the bill about it.

Mr. LITTAUER. I would like to ask the gentleman what his point of order is?

Mr. HARDWICK. I make the point of order.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. HARDWICK. The point of order I make is that there is no provision for the employment of that clerk. There is no provision in existing law nor in the previous appropriation bill.

The CHAIRMAN. What law?

Mr. HARDWICK. It is not in the previous appropriation bills. This is an increase in the force by the provision made in this bill for a stenographer and typewriter at \$900. It is also subject to the point of order that there is no provision of law authorizing it. It is making law—creating an office in this bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. LITTAUER. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Congressional reference library: For custodian, \$1,500; assistant, \$1,200; assistant, \$900; assistant, \$720; two messenger boys, at \$360 each; in all, \$5,040.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. I want to inquire of the gentleman having this bill in charge why the necessity of so many employees in the Congressional reading room. I want to say to the gentleman that I happen to reside very close to the Congressional Library. I frequently visit the rooms prepared for Representatives in Congress, and I have never seen but two men there. They are always there. This bill carries about half a dozen employees, and there are but two men there.

Mr. LITTAUER. The Librarian states that there are three employees in charge of the branch library on the floor of this House and three who are assigned to the care of the Congressional rooms at the Library. Three in both places—three there and three here.

Mr. JOHNSON. That is all right. I just wanted the information. I withdraw the amendment.

Mr. HEPBURN. Mr. Chairman, I desire to ask the gentleman in charge of the bill if he can inform the House as to the total cost of this institution that we call the Congressional Library?

Mr. LITTAUER. I think that I can. The total cost of the Library can be divided into five chief items. First, the cost of the Library proper, its administration, and the purchase of books, \$442,400. Next there is an annual appropriation of \$40,000 for furniture and expenses in that line. For the maintenance and care of the building and grounds a total of \$80,305

is appropriated, or was appropriated last year, and in addition thereto \$32,500 for fuel, lights, and expenditures under similar heads.

That makes a total of \$595,265 carried in this bill, in addition, to which, I believe, the sundry civil bill of last year carried an allowance of \$185,000 for printing and binding. That brings the total to about \$787,000.

Mr. HEPBURN. And if you include the interest on the plant, what would then be the total cost of this Library to the American people?

Mr. LITTAUER. I have never made such a computation of the total cost of this Library.

Mr. HEPBURN. Something over a million dollars a year, would it not be, including the interest on the plant?

Mr. LITTAUER. Oh, if the total cost of the building and like matters were to be considered, I do not know what that would amount to. But, Mr. Chairman, we all recognize that our Library is an expensive institution. Yet I believe that the appropriations for this purpose are approved by the enlightened people of the United States, and that they are willing to stand this large expenditure for the maintenance and expansion of this great National Library, housed in that most magnificent yet suitable building.

Your committee recognized that there was criticism and some rumors afloat regarding the conduct of the administration of this Library and its great cost, and consequently we held very thorough and extended hearings, which have been published in this pamphlet of over a hundred pages that I hold in my hand, now at the service of the Members of this House.

The Library of Congress is not particularly a library of Congress; it is the great national institution, reflecting great credit upon the Federal Government. It stands for our progress and for our power and for our intellectual development. It is the great American library of research and investigation, and all those who work there in the investigation of subjects in which they are interested are enthusiastic as to its opportunities, as to the way they are treated, and the courtesy extended to them, and the sensible helpfulness whereby they are enabled to take advantage of its unrivalled opportunities. The Library performs a necessary service for the investigator, and through him spreads knowledge throughout the country. It is a vast storehouse of knowledge and information. It performs a great service in many varied lines. Our copyright office is there, which protects the intellectual property of our citizens. It prepares and distributes historical information, particularly on matters connected with American history. Its maps are used in our law courts for the determination of boundaries, and were of essential aid in the determination of Alaskan boundaries. Its system of card-catalogue distribution is extended to over 700 libraries.

The expenditure of \$780,000 seemed to us to be a very great one, which led to careful investigation. The force connected with the institution is appointed without reference to civil-service rules. We made a thorough examination into how that force was appointed and how promotions took place in the force, and the general condition of the administration. We found that out of some 236 appointments made by the present Librarian more than three-quarters of them, 167 in number, were appointed without even a letter of recommendation from either a Senator or a Representative.

Mr. GROSVENOR. I would like to ask from what States they were appointed, and did you find out how many were indorsed by two certain Senators from the New England States?

Mr. LITTAUER. We went into the matter thoroughly. We did not go into the matter of how many were indorsed by any particular Senator, but over three-quarters of all who work there, appointed by the present Librarian, were appointed without any reference to any recommendation either by a Member of this House or a member of the other body.

Mr. HEPBURN. Will the gentleman tell us how he ascertained that fact as to these recommendations?

Mr. LITTAUER. By the statement of the Librarian and the record of appointments submitted to us. In this book of hearings a very complete statement of all the employees in the Library at this time can be found. As far as our investigations went, we felt that the Library was being conducted in an able, efficient, and conscientious manner, and that the result was that its great accumulations were being intelligently handled for their best utilization.

Now, as long as I am on my feet, I want to comment on the seemingly great cost of the care and custody of the building. Everyone who visits the Library is delighted with the conditions in which they find that building preserved and maintained and with its cleanliness. Not only is the beauty of the original structure preserved, but all the accessories connected with

the development of the Library are properly maintained. This care is in the charge of a man who was connected with the building of the Library, who is one of the most praiseworthy public officials, exceptionally capable in many lines; who not only performs the work that he is paid for as custodian of the building, but has found opportunities of gaining recompense in other lines. In fact, Congress—

Mr. HEPBURN. I would like to ask the gentleman from New York if he thought in the mere inquiry I made, which he has construed into a criticism, that I had any purpose whatever in criticising the efficiency of the scrub women? [Laughter.]

Mr. LITTAUER. No; I thought the gentleman was looking higher up. [Laughter.] The efficiency of the scrub women—

Mr. HEPBURN. Is beyond compare.

Mr. LITTAUER. Unquestionably so; and the efficiency of the care of the building, the custody and maintenance of the building, and the erection of its accessories is also beyond compare.

Mr. COOPER of Wisconsin. Will the gentleman from New York permit me to ask him a question?

Mr. HEPBURN. I believe the gentleman from New York has the floor in my time.

The CHAIRMAN. Does the gentleman from New York yield the time of the gentleman from Iowa to the gentleman from Wisconsin? [Laughter.]

Mr. LITTAUER. I will yield to the gentleman.

Mr. COOPER of Wisconsin. I have listened to the remarks of the gentleman from New York in commendation of the custodian of the Library building and grounds. The gentleman spoke not only of the custodian's efficiency, but of the fact that he has been enabled to earn money in addition to his salary as custodian. I want to ask the gentleman if it is a fact, as reported in the newspapers, that the custodian is of such high efficiency that he gets \$5,000 a year—as much as a Senator or Representative in Congress—as custodian of the Library buildings and grounds, and at the same time \$4,000 for going to Harrisburg and taking care of the construction of the Pennsylvania State capitol; that he also gets some pay—\$2,000 a year, I believe—for taking care of the construction of the new Museum on the Mall; and that he also received a percentage, a very respectable sum, for superintending or assisting in the superintending of the construction of the New Willard Hotel? And all of this time receiving \$5,000 a year for attending to his duties as custodian of the Library building and grounds?

Mr. LITTAUER. The facts are not exactly correct as stated by the gentleman from Wisconsin, but in the main they would lead to a right impression. Let me say to the gentleman that this gentleman has been the custodian of the Library and has a salary of \$5,000. He is the disbursing officer for all the Library in all of its activities.

Mr. COOPER of Wisconsin. How many employees are there in the building?

Mr. LITTAUER. In the Library, 430. He is disbursing officer for the Library, and then by law he was designated as superintendent of construction of the new National Museum, and disbursing officer of that work also, for which he receives a salary of \$2,000. He was designated so by law, and I take it for granted that no one would take the superintendence of construction of such a work, who had no other emolument from the Government, for \$2,000 a year.

Mr. COOPER of Wisconsin. I am not familiar with the statutes touching salaries, and would therefore like to ask the gentleman if there is any statute which prohibits an employee of the Government from receiving two salaries from the Government of the United States at the same time?

Mr. LITTAUER. There is; but this law expressly provides—

Mr. COOPER of Wisconsin. But you say this man receives two salaries from the Government besides superintending the construction of the building at Harrisburg and of buildings elsewhere?

Mr. LITTAUER. The sum that he receives from Harrisburg, or that he did receive as a consultant, is not received from the Federal Government.

Mr. COOPER of Wisconsin. Does the gentleman think it is right for a Government employee in receipt of \$7,000 a year—two salaries from the Government of the United States—to be permitted to go to Harrisburg and be enabled to cut under, if you choose, many men competent to attend to that work?

Mr. LITTAUER. I do not believe there was any cutting under. In this case I think the eminent services of the gentleman were demanded by the State of Pennsylvania, and that he was requested to go there. He simply states that he goes there about once a month and it takes about one day of his time.

Mr. COOPER of Wisconsin. For which he receives pay at the rate of \$15 a day from the United States Government.

Mr. LITTAUER. At any rate, he so conducts his work here that no one can find fault with the work in charge of the laborers.

Mr. COOPER of Wisconsin. Is that the same gentleman whose name as assistant superintendent of construction is carved on the marble tablet in the Library above the names of the architects?

Mr. LITTAUER. I suppose it is, if that is the fact that it is there.

Mr. GROSVENOR. I would like to ask the gentleman from New York a question.

Mr. LITTAUER. Certainly.

Mr. GROSVENOR. Has the committee considered any alternative proposition upon which the Government can fasten in case of the natural or accidental death of this person? [Laughter.]

Mr. LITTAUER. Yes; they thought the succession would be easily taken care of, but nevertheless the committee hopes his services may be retained to the Government for many years to come, for it believes they have been very eminent.

Mr. COOPER of Wisconsin. Has the gentleman's committee, as the result of their investigations, recommended any legislation which would prevent the gentleman from receiving two salaries from the Government of the United States when he is also receiving another salary from the State government of Pennsylvania and compensation for working for private parties?

Mr. GRAHAM. Mr. Chairman, will the gentleman from New York permit me to answer the question of the gentleman from Wisconsin?

Mr. LITTAUER. Certainly.

Mr. GRAHAM. I will state that his (Col. Bernard R. Green's) services are dispensed with upon the building of the new capitol at Harrisburg, Pa., because that building is to all intents and purposes finished, and his services there are no longer necessary, nor is he now drawing any salary in connection therewith. But I will say, for the benefit of the gentleman from Wisconsin [Mr. COOPER] that his services there were most eminent, that they saved the Commonwealth of Pennsylvania many, many thousands of dollars, that we could not have obtained an expert equal to him in value and at the same time honest in watching all the details for the amount of money that I, with other members of that commission who employed him, were glad to pay. We sought his services. He did not seek us. He has served the State of Pennsylvania most eminently and properly.

Mr. BRICK. As I understand it, you were one of a board of five commissioners that were appointed to erect that new capitol?

Mr. GRAHAM. Yes.

Mr. BRICK. I take it he was not what you call an assistant architect?

Mr. GRAHAM. He was a consulting engineer and an expert and authority on granite. That building is constructed of granite. It is a magnificent building, the finest State building in the United States, and completed at less cost than any other building in the United States of like character, a result mainly due to the eminent abilities of this gentleman who assisted the commission in preventing overcharges and graft. That is one of the few buildings in the United States which has been erected within the time and within the original appropriation and without scandal or graft connected therewith, just as was the Library here in the city of Washington, a record of which Pennsylvania is justly proud.

Mr. TAWNEY. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. GRAHAM] if his reasoning applies also to the employment of this gentleman in superintending the construction of the New Willard Hotel and the Raleigh Hotel?

Mr. GRAHAM. I have no knowledge of anything connected with that. I only speak from personal knowledge of the eminent services that this gentleman has rendered the Commonwealth of Pennsylvania.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman may be extended so that he may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Chairman, I do not want the gentleman from New York [Mr. LITTAUER] to jump on me with all four hands and feet. I did not intend to criticize this institution at all. I did indulge in a little criticism a year ago and I find that I was taken up in the annual report of the Librarian, and I have been a little timid about making any suggestion. A year ago, in speaking of what I regarded as a wanton and useless and foolish expenditure of the public money in regard to this Library, I called attention to the entire number of books that had been taken from the shelves for the use of those who went to consult that Library, as reported by the Librarian. I did not assume to say that that measured the usefulness of the Library, but I did say that if that fact could be taken as a measure of its usefulness, then we ought to adopt some other method, because it costs more money to put into the hands of each one of the visitors to that Library who sought the books upon its shelves than it would have cost for Congress to have bought the books and made a present of them to those who inquired for them.

If that was a fair test, it cost more than \$1 to hand a book to the inquirer that went to that Library. In the last annual report of the Librarian he refers to that fact, and he put into my mouth sentences that I did not use, refused to make use of the qualifying sentences that I did use, and then undertook to demolish the supposed argument that I made by showing the vast usefulness of the institution in other directions and in other ways than simply by the use of the books. Now, Mr. Chairman, I notice that in the report this year—or at least if it is there I have not been able to find it—that method of testing the usefulness and the cost to the public is taken away, for the report does not show the number of people who have been accommodated with the books of that Library. I am not one who wants to run amuck against the Library. I believe it is a great institution, I believe that its usefulness ought to be preserved to the American people, that it ought to be made more useful, but I submit it ought to be so made useful within the limitations of reasonable expenditure. Nearly \$800,000 is an enormous sum for the people to pay for this institution, and if you calculate its cost, grounds and all, nearly \$7,000,000, and add the interest on that vast sum—we are paying on some of our bonds, 4 per cent—then you find you have the wonderful total of nearly \$1,000,000 to maintain a library. I think that some other method ought to be adopted, and if no other method can be adopted, then some other man ought to be put at the head of it. It is not enough to say that a man has been connected with this great institution and that great institution and this other great institution and therefore necessarily is the fit man for this responsible position. We want something more of practical results than this, and yet with this extraordinary expenditure, without recommendations in the way of economy, without a suggestion as to how this grand total can be made less, \$90,000 are put into the hands of this gentleman, and I understand that he is ransacking the second-hand book stores of the world by communication and by his messengers to find books, books. What kind? What do the American people care for the curiosities in the bookbinder's art or for these old and musty tomes probably reprinted over and over again? What do we or the American people care for being the owners and custodians of this class of literary curiosity? I think that something ought to be done in order to curtail the wonderful expenditure that is imposed upon the American people.

I know with what delight we and our constituents visit that building. It is a wonder, and I confess that I feel much of gratitude to the gentleman, Mr. Green, who has been referred to time and again for his participation in its construction. I think the American people owe him much for the skill that he has manifested, for his wonderful ability in assembling the talent that was necessary for the adornment of that great pile. I know that our people love to visit it and are proud to point to it as perhaps the finest specimen of architecture known to the world. But remember that that achievement, that the construction of that building and making it one of the wonders of architecture is something entirely beyond this man who is now charged with these vast expenditures and who is known as the "Librarian." He is entitled to none of that credit. He was not a participant in that class of labor; he did nothing to assemble the skilled artists who have made the building a thing of beauty, and this fact ought not to be lost sight of when we are discussing his qualifications for the position he is now in. He is responsible at least for the fact that no recommendations are made by the custodian of that Library and by the man who expends these vast sums in the direction of economy, and that is the criticism I desire to make.

Mr. BURTON of Ohio. Mr. Chairman, I desire unanimous consent to proceed for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for ten minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. Mr. Chairman, I am frank to confess a partiality for the Library of Congress. Some of the pleasantest and most profitable hours I have ever enjoyed have been within its walls, and I am unwilling to listen to any strictures upon its management or any accusations of extravagance without a word in reply. It is maintained that Mr. Green, superintendent of the building, is receiving too high a salary or too many salaries. I would we had more public servants like Mr. Bernard R. Green. He has been forty-three years in the employ of this Government and on the whole roll we can not find a man who has been more efficient or faithful in the performance of his trust.

It is false economy to indulge in cheeseparing with the salaries of competent men. It is true Mr. Green receives \$5,000 a year as superintendent of the Library building, \$2,000 by special act of Congress for superintendence of the building of the National Museum, and then again as consulting engineer at Harrisburg and in other places, for a time not exceeding his annual leave, he has received further compensation. Now, I would be one of the last men on this floor to advocate a general rule under which a man in the employ of the Government may be employed outside, but this is an exceptional case. He has to do with construction and with improvements in the heating, wiring, and lighting of buildings, and it is exceedingly desirable that he should be in touch with all the methods that are in vogue elsewhere. Thus every hour he gives to the State capitol of Pennsylvania makes him more competent for the management of the Congressional Library. We certainly can not complain of the extra \$2,000, because we ourselves passed that statute. He is a man who, as I know, is devoted to his work during the daytime and often until late at night. He had to do with the construction of the Washington Monument, with the examination of the Washington Aqueduct when graft had been detected there. He constructed one wing of the State, War, and Navy building, and it means something when you point to the fact that of the two wings of that building one wing was constructed by others and another was under his superintendence, and the wing constructed under his superintendence cost \$1,459,000 less than the other. It is something to his credit also that this Congressional Library was finished within the estimate of \$6,500,000, and within the time prescribed for its completion.

A report has been given a wide circulation that the custody, care, and maintenance of the Library building and grounds cost more than for this Capitol. I would it were so. The fact is that it costs just about three times as much for this building here as it does for the Congressional Library. Naturally it would cost more. There is perhaps a greater variety of expenditure. There is the occupancy of many committee rooms. This is an older building, and requires more repair and, in a way, a larger degree of attention from watchmen and others.

I ask unanimous consent, Mr. Chairman, to file with my remarks a statement showing the comparative size and cost of maintaining the Library and the Capitol buildings.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to insert in his remarks a statement such as he has indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. It seems to me that in making criticisms in regard to the expense for books people overlook the essential nature of this Library. It is not a circulating library at all. It is a reference library. It is like the British Museum, which costs for annual maintenance \$636,000 a year, where wages are much cheaper than here, or the Bibliothèque Nationale, in Paris, and we should provide for it all the valuable books which may be useful. In the more than a million books there you will find a copy of the original folio edition of Shakespeare's works and numerous books from Thomas Jefferson's library, which not only have his bookmark, but thumb marks as well, and his notes written in the margin. It is far and away more valuable and complete than any library in the world of the same age. It has by far the best building. A reference library and a circulating library are very different in their essential requisites. One of the characters in *The Rivals* made the remark that "a circulating library in a community is an evergreen tree of diabolical knowledge."

I do not accept that as a proper characterization of a circulating library, but it is one where the demand for books is largely for fiction and reading that is sensational. But this is one in which are collected works of history, of art, and of geography, and in every branch in which the scholar or general reader may be interested. It is especially useful for re-

search, and includes as well treasures of art and of architecture which will please the eye. We are prone here to strain out a gnat and swallow a camel, and that is what we are doing when we object to the sum of \$780,000, which it has been stated is the annual cost of the Library. Bear in mind that this includes \$182,000 for printing and binding, which are not maintenance and in large part are an addition; also that a portion of that amount is to furnish shelves, which are another addition to the permanent value of the library; \$98,000 is for the acquisition of books, which increase the investment that the Government has there; about \$70,000 is to take care of the copyright division, and yet the copyright fees collected and covered into the Treasury are considerably more than the amount appropriated for that division. There is a division which furnishes catalogue cards to other libraries. That is comparatively inexpensive, for the work of composition would be done in any event, and the cards are exceedingly valuable to the libraries of the country, although the very small charge for them more than covers the cost to the Library of Congress. Let us compare these expenses with the cost of maintaining a battle ship, estimated last year at \$517,000 per annum, and we are building and maintaining a considerable number of them. Is it not for the benefit of this country to maintain this institution, even if it should cost a little more than the maintenance of a battle ship, when it stands for education, for art, and all that is best in modern civilization? It is called the "Library of Congress," and some say the name should be changed to the "National Library." For one, I want the name "Library of Congress" to remain, as a monument, one of the great monuments, to legislation by this Congress. [Loud applause.]

Comparison of the comparative size, cost of custody, care, etc., of the Capitol, Library of Congress, and State, War, and Navy buildings.

[The references to pages are to the Digest of Appropriations for the year 1905 and to the Report of the Superintendent of the Capitol Building and Grounds.]

THE CAPITOL.	THE LIBRARY.
Dimensions, say 9,764,984 cubic feet. ^a	Larger if anything (10,000,000 cubic feet).
Floor area, 11 acres.	8½ acres, plus 27 floors of the book-stacks; 2,200 windows, dusting, cleaning, shifting, and guarding of collections aggregating 2,000,000 items.
In use as a whole less than two-thirds of each year and part of each week day.	Every day and evening in the year except two, which equals 660 days of 7 hours each. Care and maintenance includes law library at Capitol.
Appropriation for care and maintenance at least..... \$244,265 (Service only. See appended analysis, not including \$22,524 for "Salaries, Superintendent's office.")	\$79,585. (P. 24 of Digest.) (Includes Superintendent and his entire office, \$11,000.)

STATE, WAR, AND NAVY BUILDING.

Dimensions, say 8,500,000 cubic feet.
Floor area, about 10 acres.
Care and maintenance, \$128,980. Does not include salary of superintendent (an officer) nor care of rooms, but only of public corridors. (P. 151 of Digest.)

THE CAPITOL.

[Annual expenditures for care and maintenance.]

Reference [1905]. (Service only.)	
[Digest, p. 10.] For Senate, under the Superintendent, engineers, elevator conductors, electricians, foreman, etc.....	\$27, 465
[Digest, p. 14.] For House, under the Superintendent, engineers, elevator conductors, electricians, foreman, etc.....	30, 400
[Digest, p. 13.] For Senate police (watchmen).....	37, 550
[Digest, p. 19.] For House police (watchmen).....	37, 550
[13 and 19.] For police, contingent fund.....	300
For one month's extra pay to Senate and House employees.....	10, 080
[Digest, p. 10.] Legislative act, Senate.	
1 upholsterer.....	\$1, 440
3 carpenters.....	2, 880
1 janitor.....	1, 200
59 laborers.....	48, 040
2 attendants, ladies' room.....	1, 440
2 telephone operators.....	1, 800
1 telephone messenger.....	720
	57, 520
[Digest, p. 15.] Legislative act, House.	
27 janitors for committee rooms.....	20, 000
33 laborers.....	22, 680
1 attendant, ladies' room.....	720
	43, 400
	244, 265

The above does not include the following:
[Digest, 255.] Salaries, Superintendent's office..... \$22, 524. 00
[Digest, p. 255.] For services at Capitol and general repairs..... 21, 182. 45
[P. 258.] For improving Capitol grounds and repairs..... 21, 428. 68
[P. 258.] For lighting Capitol grounds..... 23, 349. 40
[Last three items under Interior Department in sundry civil bill.]

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word.

I do not know, Mr. Chairman, that the gentleman from Ohio

^a Excluding upper area of Dome and the crypt.

^b See Report of Superintendent of Capitol, page 6.

has thrown any particular light upon the subject that I tried to bring to the attention of Congress. I do not want it understood that I am hostile to this institution. I do want it understood that I am hostile to what I regard as a wanton, flagrant, wasteful expenditure of money. The gentleman has suggested two reasons why this large expenditure was desirable. One was that one of the original books of Shakespeare has been added to the Library. Now, I do not know whether the gentleman, in pursuing his Shakespearean studies, would prefer to get hold of that old and musty and dog-eared volume or to have a clean one in modern print. I think that, perhaps, would be valuable in a collection of curiosities in our National Museum, perhaps, if it did not cost too much. And why should the gentleman especially desire that volume of Thomas Jefferson's that has the thumb-marks of Thomas Jefferson on the margin? Does he take any pleasure in ascertaining the fact that Thomas Jefferson was not as cleanly in his habits as he ought to have been? [Laughter.] Does that improve the public mind? Does that give value to this great institution?

Mr. BURTON of Ohio. If the gentleman will permit an interruption, there is no accusation of uncleanness. The gentleman realizes that every book that we read thoroughly and handle a great deal is liable to become somewhat soiled.

Mr. HEPBURN. I understood the gentleman to make a special reference in a commendatory way to the dirty thumb-marks on the margin of that page. [Laughter.] Now, I think that might be relegated to our museum of curiosities. How much did we have to pay for those thumb-marks? That is a practical question that comes up in this every-day world of ours; and we have no limit, no control, no espionage whatever over this gentleman who is in charge of these expenditures. He may value a thumb-mark of Thomas Jefferson at \$5,000, for aught I know.

I am inclined to think, from the remarks of my friend from Ohio [Mr. BURTON], that probably he would put an extraordinary estimate upon it, and after what he has said, much as I respect him and much of confidence as I have in him on all matters pertaining to the river and harbor bill and to aquatic improvements of that kind, I would not trust him to buy volumes that may have the thumb-marks of Thomas Jefferson on them. [Laughter.]

Mr. PERKINS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman is recognized for five minutes under the rule.

Mr. PERKINS. Mr. Chairman, I wish to say a word or two in reference to the management of the Library. I wish to say first that the gentleman from Wisconsin [Mr. COOPER] raised the question that the Superintendent of the Library Building, receiving \$5,000 a year salary, had no right to receive any outside compensation. Let me suggest to the gentleman from Wisconsin that we fix the salaries, for instance, of the reporters of this House at \$5,000 a year, and they are allowed, and they should be allowed, and they do, as a matter of fact, exercise their right during the months when Congress is not in session and when their work is not required here to earn other sums. I have the highest respect for these gentlemen, but I want to say that the services of a man competent to be the superintendent and architect of this great Library of Congress—and no one questions his competency—ought certainly also to be worth \$5,000 a year. The gentleman from Wisconsin did not criticize the payments which we make to our own shorthand reporters, with opportunities for other employment during the Congressional recess, but when a man of extraordinary competency, upon whom great responsibilities are imposed, earns, in addition to his salary of \$5,000 a year as superintendent of this building, other sums which are paid him for other work that he does, considers that is a matter of criticism.

Now, Mr. Chairman, just a word in reference to the Library of Congress. It has been my fortune to see some of the great foreign libraries and, to some extent, to carry on, with others, studies in the great libraries of the world. My friend from Iowa [Mr. HEPBURN], I presume, will say that those studies were of small importance, and certainly no one values their importance less than myself; but still in that way I have had the opportunity of comparing the great libraries of Paris and London with the great Library of the United States, and I have risen here to-day to say that in the opportunities which our Library furnish to scholars, however little value my friend from Iowa may attach to their labors, in the promptness with which they can be attended to, in the facilities which are furnished to them for the careful investigation of any branch of history or science, there is no library in the world that, in my judgment, furnishes such facilities, such promptness, and such convenience as the Congressional Library of the United States.

Certainly my friend from Iowa will admit that is a thing of some value. My friend criticises the cost of something over \$600,000. Let it be that. It not only furnishes a library, but it furnishes a building of beauty which is one of the assets of this nation, the enjoyment of the beauty of which is shared by the people from all parts of the country. Surely my friend from Iowa regards that as an asset of value. We spend, including the cost of the seeds and the cost of sending them out, one-half of all that is spent on the National Library to distribute worthless seeds to people who do not want them. Does my friend from Iowa think that that is a more judicious distribution of the public money than the expenditure of \$600,000 for the public Library of the United States? I do not believe that he does. As is suggested, we spend more than \$600,000—we spend between one and two million dollars—in printing worthless documents, which no man will take off our hands and which we can not send to our own constituents. Does my friend think that is the part of wisdom, rather than an expenditure of \$600,000 on a library which is the most beautiful and in some respects the best in the world? It seems to me, Mr. Chairman, that my friend from Iowa makes his criticism against an object not deserving of it and spares from his criticism a waste of public money far more reprehensible than any money spent on the Congressional Library of the United States. [Applause.]

Mr. LIVINGSTON rose.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Georgia, a member of the committee, is recognized.

Mr. LIVINGSTON. If the gentleman from Maine wishes to speak now, I will yield to him.

Mr. LITTLEFIELD. Mr. Chairman, in a sense I agree with some of the suggestions of the gentleman from Iowa. It is a large sum of money for this purpose; whether it is too large or not I do not know. I do not understand that there is any specific suggestion made here that will reduce the expenses involved in the maintenance of the Library. Stated concretely and in gross, it does look to be a large sum. Whether it can be reduced or not I do not know. I have assumed that the committee, who has made a careful investigation of this and all other subjects, has found that no legitimate reduction could be made. I have not had time to investigate it. I would be glad to join the gentleman from Iowa in reducing any expenditure connected with the public Library of Congress that we could reasonably and legitimately make. I do not understand, as a matter of fact, that he intends to go any further than that. I do not understand that he makes any specific suggestion on this line. In the absence of a specific suggestion, so far as I am concerned, I feel that I must stand by the committee on their recommendation so far as these expenditures go.

Now, I think a word ought to be said in fairness in relation to the Librarian. I can understand how the gentleman from Iowa is justly disturbed on account of some things that may have occurred in connection with the Librarian. I am not qualified to express an opinion as to whether he is the best man for the place or not, but I can say that I fully indorse the suggestion of the gentleman from New York when he speaks of the efficiency of this Library as compared with others elsewhere. I have occasion to use both the Library of Congress and the Law Library, and to quite a large extent, and I undertake to say that it can not be questioned but that they are managed efficiently and successfully and that they exercise all care in enabling people to get a beneficial use of the Library.

I am not an expert on the matter as to what a librarian should be, but so far as my personal experience goes I want to say that the official force in the Library has treated every Member of this House with all consideration, and that we have ample opportunity for investigation so far as they have the books on hand. The force is able, competent, faithful, and efficient. This is no doubt due to the care and management of the Librarian. He should be given proper credit therefor.

Joking aside, I do not think any of us would contend that the Librarian was properly subject to criticism if he does put in the Library every book of a literary character that he can reasonably reach, rare and curious though it may be. Personally I should like to see in the Library—because I believe it to be one of the finest in the world—the finest literary collection in the world, and if it contained once in a while a curiosity I would not make any kick about that.

I would like to go there and if necessary be able to put my hand on any book, however rare and curious it might be. I would like to be able to go there in a legal investigation and get the benefit of the finest library in the world that ought to be maintained in connection with the court that has the largest

jurisdiction in the world—the Supreme Court of the United States. Are the members of the committee aware of the fact that to-day down in this basement the reference law library has only about 30,000 volumes, and 70,000 or 80,000 volumes have to be carried away to the lumber rooms of the Library of Congress and can not be reached without delay and waiting for transmission? The Harvard Law School is arranging for a new library building, to be built this very next year, to contain—how many volumes do you think? And I wish you to compare it with the library that we have now which we can reach, with only about 30,000 or 40,000 volumes, as the case may be. Three hundred thousand volumes! So far as I am concerned I would like to see here in Washington where the profession can reach it and the courts can reach it as fine a library as they think necessary at the Harvard Law School in Cambridge, Mass. I do not wish to be understood as asserting that I am an expert on any part of this proposition, but I think every Member of the House, and I have no doubt my friend from Iowa [Mr. HEPBURN] would stand behind every proposition that would put into this library every book that any person might need in conducting any investigation—and he would be willing to vote, and I understand him to be now, any reasonable and proper expense necessary to the judicious maintenance and operation of the library; and I would be glad to go with him in that direction. But in the absence, as I say, Mr. Chairman, of specific suggestions—and I imagine my friend like myself has not had the time to examine this with care so that he would feel justified in making specific criticisms of particular offices—in the absence of that I feel like following the recommendations of the committee upon this particular proposition.

Mr. LIVINGSTON. Mr. Chairman, there is no motion to amend or to strike out. I think the Clerk ought to read.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

Copyright office, under the direction of the Librarian of Congress: Register of copyrights, \$3,000; chief clerk and chief of bookkeeping division, \$2,000; chief of application division, \$2,000; two clerks, at \$1,800 each; four clerks, at \$1,600 each; eight clerks, at \$1,400 each; ten clerks, at \$1,200 each; eight clerks, at \$1,000 each; thirteen clerks, at \$900 each; two clerks, at \$800 each; ten clerks, at \$720 each; two clerks, at \$600 each; two messenger boys, at \$360 each. Arrears, special service: Three clerks, at \$1,200 each; porter, \$720; messenger boy, \$360; in all, \$75,300.

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman in charge of the bill what the expense of the copyright division was, say, ten years ago?

Mr. LITTAUER. In 1898 the appropriations for the copyright office were \$36,440. They were increased in 1901 to \$51,080; in 1903 to \$65,520; in 1905 and 1906 to the neighborhood of \$75,000. The reason for this increase is that the new copyright law has drawn to the copyright office a very much greater number of applicants.

Mr. HEPBURN. Mr. Chairman, I was sorry to see the gentleman from New York [Mr. LITTAUER] drop down from the high altitude that he was upon when discussing the uses of this Library to run his annual tilt against beans and peas and those other seeds that are so useful to the people of this country. [Laughter.] I did not suppose that he would find it necessary to bring in the seed question here, but I can see why gentlemen of his ilk, the scholars of the land, the men who are engaged in literary work, who are year after year making it necessary to have a large library building to hold the volumes that they thrust upon an unsuspecting public [laughter]—why that class of gentry should desire this Library to be maintained. I find that the gentleman regards it as a matter much to his credit, because it is inserted in his biography, which he himself, I suppose, kindly edited, that he is the author of a large number of publications. [Laughter.] Of course he is in favor of libraries. He wants some depository for them, and he wants the assistance of these trained men who know just where to put their hands on a volume to help him prepare these books. I take it that many an employee of this building helps literary gentlemen to original articles by knowing just where to put their hands on them in the shelves. [Laughter.] That class of men are especially in favor of the Library. I did not know that there was any selfishness in the defense made by the gentleman from Ohio [Mr. GROSVENOR], but I shall begin to suspect him [laughter], and I shall look soon for some publication copyrighted over here by his friends, and to which the shelves of the Library have made valuable contributions.

But what I wanted to say particularly was to protest again at a suggestion that was made by the gentleman from New York [Mr. LITTAUER] the third time—that I have hostility to this enterprise, to this institution. I want it to be maintained, but I do not want hundreds of thousands of dollars needlessly

thrown away upon it. I do not want an army of unnecessary employees there. I do not want an entire regiment of the friends and protégés of this man Putnam to be foisted upon the public rolls, at salaries more or less extravagant. That is what I do not want.

And I want simply to direct the attention of the House to what I regard as a flagrant abuse, not that it can be remedied now, but that some one charged with the duty—the chairman of some committee having supervision of this matter—will take it up and strive in a businesslike way to bring it within the limitations of business methods.

Mr. HARDWICK. Mr. Chairman, I raise the point of order on page 29, line—

Mr. LITTAUER. Mr. Chairman, I call the attention of the Chair that it is too late to raise the point of order on this paragraph.

The CHAIRMAN. The Chair thinks the point submitted by the gentleman from New York is well taken. Debate having closed upon the paragraph, the point of order is too late.

Mr. HARDWICK. Were there any amendments offered to the paragraph?

The CHAIRMAN. There has been debate on this paragraph.

Mr. HARDWICK. I thought the debate was about something on page 31. My attention was temporarily distracted.

The CHAIRMAN. The debate was on the paragraph in reference to the copyright office, and has now been finished.

Mr. HARDWICK. The reading has been finished?

The CHAIRMAN. The reading has been finished, and there was five minutes' debate, and the point of order now comes too late. The Clerk will read.

Mr. UNDERWOOD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, there are not many things we are allowed to enjoy in this great country of ours since the last forty years of Republican rule that are free. The principal thing that the Republican party has done for the country is to levy taxes on everything we enjoy, but we have got a free library, a library that every citizen of the United States may enjoy without taxation, a library that we may be proud of, and I am rather surprised to hear the indictment that the gentleman from Iowa has laid against his colleagues in this House who manage the business of the Republican party. I am heartily in favor of economy in the House, of our economizing in the Government where we can. I did not know before that there were hundreds of men and women employed in this library in the service of the Government whose services were not necessary, but I knew that we had a committee whose duty it is, in the examination of this particular bill, to investigate these questions and not appropriate money to carry on the Government rolls people whose services are not needed by the Government, and I am surprised that the gentlemen in charge of this great legislative bill should allow the indictment brought against them by the gentleman from Iowa to go unanswered, to the effect that they are now appropriating money for the carrying on of this library that involves the maintenance of numbers of men in the public service who are not needed.

Mr. BURLESON. Mr. Chairman, I feel that in justice to the Librarian of Congress the statement made a moment ago by the gentleman from Iowa that he has persistently filled the Library with his friends and relatives should not go uncontradicted. As a matter of fact, the principal complaint made by some persons against the Librarian has been that he invariably insists that every appointment made in the Library shall be based exclusively upon efficiency, requiring always that the person appointed shall have ability to discharge the duty for which he or she is appointed. The truth is, since Mr. Putnam has been in charge of this Library, he has not made appointments, as has been charged, but on the contrary there has been a more earnest effort made than ever has been made in the past to make a fair selection of appointees for the Library service from the various sections of our country, keeping in mind always the fitness of the person for the place to be filled. Now, as far as the accusation of extravagance in the conduct of this great Library is concerned, it can be answered in a word, and when made it can not be successfully contradicted. That answer is, that the scale of wages or the scale of salaries fixed in this bill, which obtains for all lines of clerks and employees in the Library of Congress, is lower than the scale of wages or salaries paid in any other Department of this Government for like

services or employment. No man upon this floor can gainsay that statement. [Applause.]

The Clerk read as follows:

Distribution of card indexes: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, and traveling expenses connected with such distribution, \$10,800.

Mr. HARDWICK. Mr. Chairman, I make the point of order that this is an increase over the amount carried for the appropriations last year, which were \$7,500.

Mr. LITTAUER. I understand the point of order is reserved.

The SPEAKER. The Chair understands the gentleman to reserve his point of order.

Mr. LITTAUER. Unquestionably the \$10,800 submitted to the committee here is an increase over the amount for this purpose last year. We believe that there is no item in the bill more worthy of an increase than the one we have now reached. This distribution of card indexes is made to about 700 librarians throughout the United States—in the South, the North, the East, and the West. It is a service that is continually being asked for more and more. It is one of the aids the Library of Congress gives to every other library in the United States, or at least the 700 that avail themselves of the privilege. The importance of this service is growing very rapidly, and in order to meet the increased demand this extra \$3,000 for this force is required. The net income from the sale last year was \$15,500, or more than twofold the salaries paid to this force. The force required is a growing one, and ought to grow year by year, consequently can not be specifically appropriated for. The salaries extend from \$360 up to \$2,000; the majority of those employed on this work are paid under \$600 a year. It seems to me that the attention the Committee on Appropriations has given this and sundry other similar matters should be taken into account before indiscriminate points of order are made against items of this kind. These items received a thorough investigation, and the committee is ready at all times to give a proper explanation to this House for its submissions if the hearings do not contain the information that is necessary.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. LITTAUER. Yes, sir.

Mr. CRUMPACKER. How long has an item like this been carried in the appropriation bill?

Mr. LITTAUER. Since 1904.

Mr. CRUMPACKER. And the increase in the appropriation here is made necessary simply by reason of the increase in that branch of the service?

Mr. LITTAUER. The demand is increasing largely.

Mr. CRUMPACKER. I do not think it is subject to a point of order, being a work in progress.

Mr. LITTAUER. The amount in the last appropriation bill was \$7,800; the one before that, \$6,800, and in the one before that, \$4,900. It is a work in progress.

Mr. CRUMPACKER. I do not think that would be subject to the point of order.

The CHAIRMAN. Does the gentleman from Georgia make the point of order?

Mr. HARDWICK. Yes, sir.

The CHAIRMAN. Will the gentleman please state his point of order?

Mr. HARDWICK. The point of order is that it is an increase in the amount authorized by law to be appropriated for this purpose. It is new legislation. It is for the payment of extra officers that are not provided for by any existing law. I just want to say this, if the Chair will permit me. I understand the gentleman has suggested in his statement that they had to have this money to go on with this work, increasing the force and spreading out this work. Now, the bare fact that the thing has been done from one year to another does not make it a work—that is, a continuous work—that would justify the gentleman from Indiana in the conclusions he reaches. As far as I can judge from reading it, so far as it can be ascertained from any statement of the gentleman from New York, it does not seem to be that way. It seems to be a new, additional, force. I want to say this in answer to the gentleman's statement, that I do not know anything as to whether it is meritorious or not, but I object to the system, and I am willing to reply to him every time he makes that contention. I am not trying to do anything except to insist upon having the rules of this House carried out in the consideration of this bill.

Mr. FITZGERALD. Mr. Chairman, I desire to say that the Library of Congress is authorized by law. This is a part of the Library work. It is one of the things which is generally authorized in the maintenance of the Library. It is not one of

those cases where a point of order is good against the item. It is a service done in continuation of the work of the Library, and merely because the amount is increased it does not come within the rule so as to make it subject to a point of order, as it would if it were an increase of salary. It is for a continuation of a work in progress, the work of maintaining the Library, which is existing under the law, and which work is done in pursuance of law. It seems to me under these circumstances it is proper to appropriate the amount determined upon by the committee.

Mr. LIVINGSTON. Mr. Chairman, this distribution of cards is not a new matter in the appropriation bill, but the increase in the number of cards and the increase in the distribution of cards to State libraries and to private libraries is growing every year. As long as that policy is pursued this appropriation must increase year by year. If you cut down the appropriation, there is about \$600 of this amount of increase that is necessary for paying express charges on these cards, which are sent to Texas, to Nevada, and all over the country. If you cut down the appropriation, then the distribution of these index cards, so much desired and sought for by State libraries, will have to cease. Whether it is the business of the librarian to do that work for that purpose, and to send those index cards abroad, is another proposition. I think I have made the statement so that you can understand what this increased appropriation is for.

Mr. PRINCE. Mr. Chairman, just a word upon the point of order. I think the gentleman from Georgia, who has just spoken, has struck the nub of the whole thing. If the law which created the Congressional Library authorized the Librarian or those connected with the Library to furnish at public expense card indexes to the libraries throughout the country, this provision is, then, a continuing law; but I question the right. They have just as much right to send anything else they may see fit, and I insist that the point of order is good, because these people in doing this work are outside of their legal purview. Being outside of it, anything they do thereunder is contrary to law, any appropriation made thereunder is in violation of law, and the whole provision is subject to a point of order.

Mr. McCLEARY of Minnesota. Will my friend yield for a question?

Mr. PRINCE. Yes.

Mr. McCLEARY of Minnesota. Does my friend know that these card indexes are not furnished at public expense, but that they are paid for by the people who get them, and that the money received from this source is turned into the Treasury, and that this item does not amount to one-third of the money that is returned from this source and turned into the Treasury?

Mr. PRINCE. I will grant that.

Mr. McCLEARY of Minnesota. And that this Library by this paragraph in the bill is enabled to serve all the libraries throughout the United States?

Mr. PRINCE. I will ask the gentleman, who is on the Library Committee and the chairman of the joint committee, if he will please state to the House whether there is any authority of law conferred upon the Library to do this work?

Mr. McCLEARY of Minnesota. Why, just as the gentleman from New York indicated, it is part of the ordinary work of the Library.

Mr. PRINCE. Is it a part of the duties of the Librarian?

Mr. McCLEARY of Minnesota. I think it is a part of the legitimate functions of the Library.

Mr. PRINCE. And you regard the distribution of the cards as a part of the business of collecting the books of the country and maintaining and taking care of them? I think it is clearly contrary to law.

Mr. CRUMPACKER. Mr. Chairman, the Congressional Library is a national institution. Its purpose is to serve the entire country, and if it could reasonably have been contemplated at the time it was authorized and its several functions were established by law that distributing index cards would be a part of its duty in serving the country, perhaps it would have been specifically mentioned; but I think it is clear that as a national institution it must have been contemplated that it would perform all of the reasonable things that go with an institution of that character. It is said that these card indexes are made partly for use in the establishment itself and the surplus is distributed for the benefit of the people, through the respective libraries of the country. It seems to me that that is one of the minor details, one of the minor functions of the institution that the law did not provide for, that no law could have made adequate provision for in detail. The Library is authorized to do these general things that are implied from the very nature of the institution itself, and among those things it

seems to me nothing can be clearer that its implied right to perform the ordinary functions of a national library, that it has a right to publish and distribute surplus copies of the card indexes, in order that the people of the country may receive additional benefits from an institution which they established and for which they pay.

I do not believe it is necessary under the rules adopted by this House for every particular minor item of detail to be enacted into specific law; that these matters of detail that are essential and a part of the general functions of an institution are presumed to go along with it, and appropriations may be made under the rules to carry them out. If that is the case, if there is an increase of expenditure, or if the enlargement of some particular branch makes an increase of expenditure necessary, it is not subject to a point of order at all. I believe the point of order against this proposition is not well taken.

Mr. PRINCE. Mr. Chairman, one further suggestion. If it be true that they have a right to get a force to distribute card indexes, would it not follow that they have a right to get a force to distribute the books themselves throughout the country on the ground that the people want the books out of the National Library, and therefore they will send them out? The moment you begin to distribute a portion of it, will gentlemen be kind enough to tell me where it will stop? I maintain that this is outside of the function of the Library. There seems to be a very lax management over at that building. Here is an opportunity to close at least this door for an improvement. You permit them to distribute card indexes, and the next time they will say, "We are distributing books and sending them to New York; sending them to Atlanta, Ga., and to Galesburg, Ill.," and claim that this distribution of the books to the people throughout the country is a part of the business of the Library.

The CHAIRMAN. It is hardly within the province of the Chair to enter into a minute consideration and discussion of the various duties imposed upon the Librarian by the general act of Congress creating his office and in more or less general terms defining his duties. It seems to have been conceded by both branches of Congress and the President in past years that this was a proper part of the duties, because appropriations have from time to time been made for it. The gentleman from Georgia makes the point of order that the amount of appropriation is increased this year without previous authority of law, and that point would be good were it not for the exception found in the last part of the second clause of Rule XXI in favor of public works and objects already in progress. The Chair finds that it was ruled in the Fifty-seventh Congress, as appears on page 349 of the Manual, that "an appropriation to complete a list of claims was held to be the completion of a public work or object." The Chair thinks that this is even more within the exception than the completion of a list of claims, and therefore overrules the point of order.

The Clerk read as follows:

Temporary services: For special, temporary, and miscellaneous service, at the discretion of the Librarian, to continue available until expended, \$2,000.

Mr. HAY. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill what this is used for.

Mr. LITTAUER. Largely for stenographic work in connection with various bureaus. It is a miscellaneous fund at the service of the Librarian, of \$2,000, and he applies it wherever it may be needed.

Mr. HAY. The only thing in the hearings is this:

Mr. LITTAUER. The next item is a temporary service, \$2,000. Do you use all the appropriation?

Yes, sometimes in the summer time we are able to save several hundred dollars, but we use it all before the year is over.

I do not think there is any explanation of what that is used for. It does seem to me with all the appropriations for the Library for the different kinds of service, that there ought to be some explanation of the use of this money.

Mr. LITTAUER. I believe in the early part of the hearing the Librarian did state that he was compelled to draw on this appropriation for temporary services to aid in the work, both in his own office and in one or two of the subdivisions for stenographic work. Two thousand dollars has been appropriated year after year, and is always used to good advantage.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental

expenses connected with the administration of the Library and the Copyright Office, which sum shall be so apportioned as to prevent a deficiency therein, \$7,300.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. The day before yesterday I came forward in a modest way as a reformer. I undertook to point out a few cases in which several thousand dollars now uselessly expended could be saved to the Treasury. I did not receive much encouragement and I received still less help. I have no pride of opinion about these matters. I am not responsible for the legislation. I call the attention of the members of the committee to the facts and they can assume the responsibility. Before we read the next paragraph I wish to call the attention of the committee to the fact that the expense of maintaining the Library since 1898 has increased from \$30,000 to \$77,505.

Mr. LITTAUER. Will not the gentleman call attention to the fact that in two years thereafter—that in 1899 the expense was \$61,395?

Mr. JOHNSON. I did not know it. The gentleman from New York can call attention to that fact.

Mr. LITTAUER. But the gentleman stated that for 1898 the expense was but \$30,000. It seems to me that the gentleman is misinformed. The figures before me show that in 1898, \$51,440 was expended for its care.

Mr. JOHNSON. In reply to the gentleman from New York, I will state that the chairman of the Committee on Appropriations stated in these hearings that the expense in 1898 was \$30,000.

Mr. LITTAUER. He must have been mistaken.

Mr. JOHNSON. That is where I got the information. The Library is no larger now than it was in 1898. The grounds are no larger than they were in 1898. This expenditure has nothing to do with the books in the Library, the clerical force in the reading room, or the force among the shelves.

Mr. LITTAUER. Not one-half of the space that is now occupied in the Library was occupied in 1898. The expense then was \$51,440 for maintenance and care. The \$30,000 statement was an evident mistake. The expense now is \$77,505. The collections have since been arranged and distributed, and the building is visited by at least twice as many people now.

Mr. JOHNSON. I hope I will make myself clear to the gentleman. I have the figures here, but let me answer the gentleman from New York. I am not talking about the books in the Library.

Mr. LITTAUER. I understand that you refer to the care and custody of the establishment.

Mr. JOHNSON. I am not talking about the people who handle those books. I am talking about the care and maintenance of the building and grounds. The building is no larger and the grounds are no larger. It requires no more watchmen, and it ought to require no more expense to take care of that building now than it did ten years ago. Beginning with 1898, the expense of the maintenance of the Library building and grounds has increased from \$51,440 in 1898 to \$79,445. I notice that the second item in the next paragraph provides for the clerical force in charge of the superintendent. There are clerks whose aggregate salary is \$6,000. When questioned before the committee as to what these clerks were doing the testimony was that they disbursed \$500,000 a year. There are some 300 employees of all kinds. The salaries of these employees are paid through this office. I have in mind as I am talking now a manufacturing plant that cost a million of dollars, which employs 1,500 to 2,000 people. Their wages are paid twice a month. The books of that great corporation, whose output amounts to millions of dollars a year, and all the pay rolls of these 1,500 or 2,000 employees are made up by three bright young men, whose aggregate salaries do not reach \$5,000 a year. Yet over here at the Library of Congress, with only about 300 people on the rolls, whose salaries run in even sums, \$100 or \$200 or \$250 a month, we expend \$6,000 in clerical hire to make up those rolls and to pay those 300 people. Gentlemen, I believe that one bright young man worth \$1,500 a year can keep those books and disburse that money. Still, we have four clerks, and I don't know how many janitors and messengers, and all that sort of thing. I simply call attention to it. If you want to correct it, you can do it.

The other day the remark was made all around me and on the other side, "Oh, you must not attack these little fellows." If you are afraid to attack the picket line you will surely be afraid to take the breastworks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that his time may be extended for one minute. Is there objection?

There was no objection.

Mr. JOHNSON. If we propose to correct the small abuse, you cry out that it is such a little thing that you ought to let the poor folks alone, and then when you undertake to correct the great abuse you come in contact with great political influence and power. I believe that this House ought to take these bills and all these offices and correct the evils as they come to them, whether they are large or whether they are small, and as you get one out of the way it will be that much easier to dispose of the next one.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from New York one question. I notice in line 18, page 29, there is a provision for "special temporary and miscellaneous services, \$2,000."

Mr. LITTAUER. The gentleman from Virginia has already called attention to that item.

Mr. COOPER of Wisconsin. And on line 18, page 30, is for "miscellaneous expenses." What is the difference between miscellaneous services and miscellaneous expenses?

Mr. LITTAUER. One is for clerical service and the other can not under the statute be used for clerical service. One is for general expenses—purchases of small items, like stationery supplies, stock—and the other is for clerical service. As I stated before, under the law miscellaneous contingent expense appropriations can not be disbursed for personal services.

The Clerk read as follows:

Custody, care, and maintenance of Library building and grounds: For superintendent of the Library building and grounds, \$5,000; chief clerk, \$2,000; clerk, \$1,600; clerk, \$1,400; clerk, \$1,000; one messenger; one assistant messenger; two telephone operators, at \$600 each; captain of watch \$1,400; lieutenant of watch, \$1,000; eighteen watchmen; carpenter, \$900; painter, \$900; foreman of laborers, \$900; fourteen laborers, at \$480 each; two attendants in ladies' room, at \$480 each; two check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; forty-five charwomen; chief engineer, \$1,500; one assistant engineer, \$1,200; three assistant engineers, at \$1,000 each; electrician, \$1,500; assistant electrician, \$1,000; machinist, \$1,000; machinist, \$900; two wiremen, at \$900 each; plumber, \$900; three elevator conductors, at \$720 each; nine firemen; six skilled laborers, at \$720 each; in all, \$77,505.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word for the purpose of inquiring of the gentleman in charge of the bill, and in view of the criticisms that have been made within the last few minutes as to the size of this force, what investigation the committee made in reference to the necessity of the various employees for which an appropriation is recommended.

Mr. LITTAUER. We have from time to time, year after year, looked into the matter of this force. Instead of six clerks employed in the care and disbursement of funds under the charge of the custodian I find but four appropriated for here, plus one messenger and one assistant messenger. There are 432 employees. There are, I think, about a dozen different heads of appropriations, each one of which has to be taken care of. We all know how much more complicated Government bookkeeping is than the ordinary commercial bookkeeping. I do not believe the number of clerks is excessive. Leaving the clerks and coming down to the other force, such as telephone operators, required in the conduct of the work there, we come to the watch force of eighteen men. These watchmen do practically the same work as our policemen about the Capitol and they receive \$720.

Mr. HAY. You have no specific appropriation for the wages of the watchmen.

Mr. LITTAUER. There is a general provision for watchmen.

Mr. HAY. Who fixes that?

Mr. LITTAUER. If you turn to page 161 of the bill, section 2, you will find the pay for telephone switch-board operators, assistant messengers, firemen, and watchmen is at the rate of \$720 per annum.

Mr. HAY. That is a new provision, is it?

Mr. LITTAUER. No; it has always run along in that way.

Mr. GOULDEN. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman from Maine has the floor.

Mr. LITTLEFIELD. I yield to the gentleman from New York for a question if he desires it.

Mr. LITTAUER. I do not believe the force connected with the work of care and maintenance of the Library is excessive or their salaries are excessive.

Mr. LITTLEFIELD. Then, as I understand it, it is the judgment of the gentleman in charge of this bill, after his personal investigation as a basis for these appropriations, that we can not reasonably dispense with any of these men who are mentioned in this paragraph of the bill.

Mr. LITTAUER. I could not indicate to you where any one of them could be reduced. I do not believe the force at all has any supernumerary in it.

Mr. LITTLEFIELD. In other words, every man appropri-

ated for here is necessary for the proper discharge of the duties under these circumstances and the proper care of the building?

Mr. LITTAUER. Yes. I will say the increase in force has only been an occasional charwoman or an elevator conductor.

Mr. LITTLEFIELD. And notwithstanding the size of the gross appropriation the committee is satisfied that the details are absolutely necessary?

Mr. LITTAUER. I surely am.

Mr. BURLESON. Mr. Chairman, in reference to the six clerks I would like to have a word to say, because I do not think the record is exactly complete upon the subject. When the item was first reached in the consideration of this bill in subcommittee it struck me the force was too large, and I interrogated the superintendent in charge of the building, who has control of these clerks, upon the subject, and here is what he says: I read from the hearings. The superintendent said:

Now, there are 240 people in the Library proper; charwomen, 45, and 15 laborers; and all told in our force there are about 110 or 115 individuals of all sorts. The pay rolls have to be made up carefully, and payments are made twice a month. There is no end of vouchers for detail expenditures of all kinds, purchases of books and expenditures made by the Librarian himself, as well as our own expenditures. That keeps the force pretty busy.

That satisfied me.

Mr. FITZGERALD. I wish to call the attention of the gentleman to this fact: That in addition to these disbursements this force makes the disbursements for the Botanic Garden, and also all matters that come under the control of the Joint Committee on the Library.

Mr. BURLESON. That is a fact.

Mr. FITZGERALD. And at times there are certain monuments and other matters for which disbursements are made, which come under the control of this force.

Mr. JOHNSON. Mr. Chairman, I do not know who has the floor, but I would like to ask the gentleman from New York a question.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. I move to strike out the last two words.

The CHAIRMAN. The gentleman can not be recognized to amend his own amendment.

Mr. LITTLEFIELD. I ask unanimous consent for permission to ask the gentleman from New York [Mr. FITZGERALD] a question. I understood the gentleman from New York [Mr. FITZGERALD] to corroborate the suggestion of the gentleman in immediate charge of the bill as to the necessity of all these employees?

Mr. FITZGERALD. No; I did not.

Mr. LITTLEFIELD. Now, if the gentleman does not do that can he state what employees we can dispense with?

Mr. FITZGERALD. I do not say that we can dispense with any employees.

Mr. LITTLEFIELD. Can we; and if so, which of them?

Mr. FITZGERALD. I do not know. I am unable to state. Unfortunately I have not had the same opportunity to investigate this as the gentleman in charge of the bill has had. As long as they were making up the record as to just what services were to be performed by these clerks, I thought something should be stated that evidently had been overlooked, and that was that these clerks also have charge of the disbursements for the Botanic Gardens and of matters coming under the control of the Joint Committee on the Library. Now, I am in the same position as the gentleman from Maine. I am compelled to rely very largely upon the investigations that have been made by members of the subcommittee.

Mr. LITTLEFIELD. I got the impression that the gentleman from New York had particularly investigated this matter, and that is why I made the inquiry. I understand now the contrary to be the fact.

Mr. FITZGERALD. I have assumed that these gentlemen who investigated the matter did not find that this service was such that it demanded a radical change; and, although, perhaps, they might not have been convinced, that if they had an opportunity and free hand to do so they would have effected some improvement.

Mr. JOHNSON. Mr. Chairman, I would like to ask the gentleman from New York a question. I would like to know how much is the appropriation for the Botanic Garden and this extraordinary labor put upon these various clerks?

Mr. FITZGERALD. I do not know. I am not a walking encyclopedia of appropriations, and I can not answer that.

Mr. JOHNSON. It is \$20,000.

Mr. BURLESON. It is something about half a million disbursed there by the Library.

Mr. JOHNSON. These clerks disburse, in round numbers, half a million dollars a year that we appropriate for the Con-

gressional Library. They also disburse \$20,000 which we appropriate for the Botanic Garden; so that they disburse, in round numbers, five to six hundred thousand dollars a year, and they keep books and pay about 300 employees their salaries for their services.

Mr. LITTAUER. Four hundred and thirty-two.

Mr. JOHNSON. And it takes four high-priced men to do it. I repeat what I said before. I believe one bright young man worth \$1,500 a year could keep these books and disburse that money.

Mr. FITZGERALD. I wish to call the gentleman's attention to this fact, that the amount disbursed is not a fair criterion of the labor needed. For instance, the gentleman will find farther on in this bill that there is a cashier at the assay office in the city of New York who handles \$51,000,000 a year. He has been receiving \$2,000.

Now, it may be much easier to handle that much money than to pay the employees connected with these other two establishments. If the gentleman knows of one man who can efficiently perform this work, why, he has a remedy now. I suggest that in the performance of his duty he should move to strike out those clerks which he considers unnecessary and put in the bill a provision for a clerk at a salary that he thinks proper for the duties required there. Then the committee will have an opportunity to pass upon something definite, and he will not be indulging in criticisms that he is unprepared to back up with definite suggestions as to the manner in which reforms can be effected.

He may be correct. He may know some bright young man who could do this work. It may be true that he could, but I am assured by those gentlemen who investigated this matter that they do not believe it could be done; and in my opinion they are better qualified, with the information they have, to pass upon this matter than the gentleman from South Carolina.

Mr. LIVINGSTON. Mr. Chairman, I will give the gentleman the information he wants. The trouble in the minds of some of the Members is to account for the increased expenses in caring for this building. It began in 1898 with \$51,440. It has run up in nine years to \$77,500. That is \$26,000 increase in nine years. That increase can be accounted for by the increased work done by the Library.

Let me give just one illustration. The gentleman from Georgia a moment ago made a point of order against an increase of expenditure here, from \$7,000 to \$10,000, for distributing cards. Those cards are packed by these people whom the gentleman from South Carolina talks about. There is something in there besides bookkeeping. There is something in there besides disbursing money. They pack all those cards, they send them to the depot, they send men with them to the libraries, they bring back and unpack and repack, day after day, to every library throughout the country. There are a lot of increased expenses that were not incurred a few years ago, and there are a lot of things just like it being done now that were not done in 1898, when we began this expenditure at \$51,440. No one, unless he sits at the table where we sit, can be blamed for not knowing these things. It would take months to sit here and pass this bill if we had to do what the gentleman from South Carolina wants to do now, give a detailed statement and explain to this House every dollar of increase in expenditures all along the line carried in this bill.

Mr. Chairman, I want to say to the gentleman from South Carolina if you have any confidence in your Committee on Appropriations you must take some of these things for granted as correct.

Mr. JOHNSON. Will the gentleman allow me to interrupt him?

Mr. LIVINGSTON. I do not mind the interruption. I only want to satisfy the gentleman.

Mr. JOHNSON. I have the utmost confidence in every member of the Committee on Appropriations, and the other day I took occasion to express my very great appreciation of the zeal that they have shown in trying to find out where this money was going to. I am complaining about the whole system. The committee have done the best they could, but the trouble is that they bring before them the heads of the bureaus and the heads of the Departments, and they come with only one song and that is, "Give us more men and give us more pay." Now, that is all the evidence that the Committee on Appropriations have to go by. I think they go to the wrong sources to get their information. Some of these bureau chiefs who come before them do not know anything about it themselves.

Mr. LIVINGSTON. Mr. Chairman, with all respect for the gentleman from South Carolina and for his information and the sources of his information, I want to say that he has made an unjust criticism of the Committee on Appropriations. We do

not make up this bill at haphazard, as he seems to think. It is true that some of the heads of Departments, as I stated on this floor in my opening speech, are not in touch with the business in detail. They do not know the details, and once in awhile in the hearings we run across a man of that kind; and you seem to read that man's testimony and not all the testimony.

Mr. JOHNSON. I have read all the testimony you took, and you did not take enough.

Mr. LIVINGSTON. We did not leave out any.

Mr. McCLEARY of Minnesota. Just one question. I notice that the total expenditure for the custody, care, and maintenance of the Library building and grounds is \$77,505.

Mr. LIVINGSTON. Yes.

Mr. McCLEARY of Minnesota. Now, this property cost over \$7,000,000. The result of a little computation will show that that is less than 1 per cent per annum.

Mr. LIVINGSTON. Yes.

Mr. McCLEARY of Minnesota. The gentleman ought to be able to admit offhand that that is not an unreasonable expense for maintenance.

Mr. LIVINGSTON. The gentleman from Iowa says that here is a new building with no repairs to be made, and he says that it should be kept up for much less money than we pay for it. Now, in the keeping and the maintaining of the building, as you will discover in this bill, there is much else done than simply sweeping and scouring. The opinion held by some Members is that keeping and maintaining a building is simply keeping it clean and lighted and beautiful.

Mr. McCLEARY of Minnesota. I am sustaining the gentleman's contention.

Mr. LIVINGSTON. I understand.

Mr. McCLEARY of Minnesota. It only costs 1 per cent to maintain it in its present magnificent condition.

Mr. LIVINGSTON. Yes. I want to say that when we get up this bill next winter you will probably find an increase right at this point. Why? Because the appropriation authorizes the superintendent of the building to expend more and more each year, and if we are going to keep that up, you will find an increase of expenditure all along the line. We can not avoid it.

Mr. GOULDEN. May I ask the gentleman a question?

Mr. LIVINGSTON. Certainly.

Mr. GOULDEN. Did the committee in its investigation in regard to the Library look into the official conduct of the captain of the watch?

Mr. LIVINGSTON. Yes.

Mr. GROSVENOR. I have information that that gentleman is not efficient and has not been doing his work in the manner that he ought to do it.

Mr. LITTAUER. Who is the gentleman speaking of?

Mr. GOULDEN. The captain of the watch.

Mr. LITTAUER. On the contrary, he is one of the most efficient men we have. The result of his work is certainly beyond criticism. Any gentleman can see that by observing how well the building is preserved from any chipping or marring or anything of that sort, and how perfectly order is maintained throughout the building.

Mr. GOULDEN. When the committee undertakes to investigate this question again, I would like to be called before it with some information that may lead the committee to think differently.

Mr. LIVINGSTON. I do not want to conceal the fact that as long as men perform these functions that are human, you will find that a captain of the watch or it may be a clerk, or it may be the chief clerk or somebody else in some Department does not do his duty. I have no doubt about that.

Mr. GOULDEN. I asked the gentleman for information whether the committee had investigated in regard to it.

Mr. LITTAUER. We have investigated. I want to say to you that it is our policy not to drag into this House on the floor everything that we hear. I could tell the gentleman a story that would illustrate that wonderfully well if it was possible on this floor. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

BOTANIC GARDEN.

For superintendent, \$1,800.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, \$14,593.75.

Mr. HARDWICK. Mr. Chairman, I make a point of order against the provision in line 18, page 32, that the amount appropriated for assistants and laborers under the direction of the Joint Library Committee of Congress, \$14,593, is an increase of \$2,000 over the amount carried by previous bills and over the amount authorized by law.

Mr. LITTAUER. What law do I understand the gentleman is invoking by this point of order?

The CHAIRMAN. The Chair understands the gentleman from Georgia to make the point that the appropriation of \$14,593.75 is a certain amount of increase over the amount authorized by law.

Mr. LITTAUER. It is a work authorized by law; it is a continuance of the work; it is the Botanic Garden.

The appropriation is for a continuing work, and it seems to me that it stands on all fours with the ruling of the Chair a moment ago.

Mr. HARDWICK. Mr. Chairman, I want to be heard on the point of order.

Mr. LIVINGSTON. Mr. Chairman, in addition to what the gentleman from New York has said, it is not only a continuous work, but it was developed before the committee that the grounds had become barren and would not sustain the shrubbery and flowers as authorized by law to be planted and maintained there. Part of this money, or the most of it, is for fertilizer.

Mr. SMITH of Kentucky. I think the gentleman is on the wrong item.

Mr. CRUMPACKER. Is not there a statute that authorizes the employment of additional laborers and assistants in the service in Washington?

Mr. LITTAUER. Yes; but that is in the classified clerical service. This appropriation here is for the assistants and laborers. It was a continuance of the work authorized by law. The increase of appropriation appears to me to be as regular as any appropriation.

Mr. CRUMPACKER. It would be analogous to the purchase of additional shrubbery or bulbs or something of that kind in connection with the service.

Mr. LITTAUER. That is what this is for.

Mr. BURLESON. The cost of labor has increased, but we are not increasing the number of laborers at all.

Mr. HARDWICK. Mr. Chairman, if the Chair desires to hear me, I would like to say just a word. This particular appropriation against which I made the point of order is undoubtedly subject to it. It is for the pay of assistants and laborers. It is increasing the pay of people employed, over the amount carried by law last year, and if I understand the rules at all or any of the rulings made by the occupant of the chair, I do not see how there can be any distinction. Every laborer continues to work as long as the Government keeps him and pays him, of course.

Mr. LITTAUER. Mr. Chairman, I can not appreciate why this increase should be more subject to a point of order on the gentleman's reasoning than any part of the appropriation would be.

Mr. HARDWICK. But I have made it only on this increase.

Mr. PRINCE. Mr. Chairman, I tried to hear the argument made by the gentleman from Indiana [Mr. CRUMPACKER], and he said that this was a continuing work, just the same as purchasing trees, shrubs, and plants. The gentleman should read what follows on lines 20 to 25. There is a provision for the purchasing of trees, shrubs, and plants.

Mr. LITTAUER. One is the same as the other.

Mr. PRINCE. Oh, no; one can not be the same as the other. One is for assistants and laborers. Now, if the number of assistants and laborers has not been increased, then the salaries of those have been increased, because there has been an increase in the present bill. It was formerly \$12,593.75. If there were then ten laborers drawing \$12,500 and odd, there are twelve laborers now proposed drawing \$14,500. Clearly there is an increase in the salaries of the assistants and laborers. If they have added to the number of assistants and laborers, namely, twelve, and they purpose having fourteen now under the law or twenty under the law, then they have added to the number of laborers. Take either horn of the dilemma that you wish and you will fall within Rule XXI, which forbids you on an appropriation bill to increase the salary of laborers or to add to their number except by law or by resolution. The burden is upon the proponents of this bill to show that they are within the rules of the House. The burden is not upon us who oppose the proposition to show that we are outside of the rules. They have brought a bill in here supposed to be within the rules of the House, and when we question their right to a proposition under the rules they should show the law by which they make this proposition, else it goes out.

Mr. LITTAUER. Mr. Chairman, all I care to take exception to is the last part of the statement. In my judgment the gentleman making the point of order against the provisions of a bill has the duty to perform to inform the committee why he makes that point of order. Those in charge of the bill can not

be called upon to infer what reasons may be in the mind of the gentleman making the point of order.

Mr. LIVINGSTON. I desire to say to the gentleman who has just taken his seat and to the gentleman from Illinois [Mr. PRINCE] that if you look to the estimates you will discover that there is no addition to the salaries of the laborers and assistants.

Mr. HARDWICK. Then I desire to ask the gentleman how the increase comes?

Mr. LIVINGSTON. It comes in the number of laborers and assistants.

Mr. PRINCE. Then you increase the number?

Mr. LIVINGSTON. From all the information before us it is an increase in the force and not in the salary, and that is all there is in it.

The CHAIRMAN. Does the gentleman from Georgia insist upon his point of order?

Mr. HARDWICK. Yes.

The CHAIRMAN. This is an item of appropriation for assistants and laborers under the direction of the Joint Library Committee of Congress. The Chair is unable to see that this stands in a different position from the appropriation for laborers in and about any of the other Departments or buildings, and thinks that it hardly comes within the exception as to public works in progress mentioned in the second clause of Rule XXI. The Chair sustains the point of order.

Mr. PRINCE. Mr. Chairman, I now move an amendment. We do not wish to cripple the service in any sense. I move to amend by inserting the original amount, \$12,593.75.

Mr. LITTAUER. Mr. Chairman, I trust the committee will not insert the amendment of the gentleman from Illinois.

Mr. HARDWICK. Mr. Chairman, will the gentleman tell me why he is opposed to it?

Mr. LITTAUER. I am opposed to it because in our own way we hope to restore it.

Mr. HARDWICK. How?

Mr. LITTAUER. I trust in the end that we may have a rule here to enable the committee—a majority of it—to vote to determine what salaries are to be paid and what forces to be employed.

Mr. PRINCE. Then the gentleman's purpose is to transfer the consideration of the appropriation for the legislative, executive, and judicial departments of the Government from the Committee of the Whole House to the Committee on Rules?

Mr. LITTAUER. I stated my purpose, and that is all I care to state. I trust the committee will support me in my position.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. PRINCE) there were—ayes 36, noes 37.

So the amendment was rejected.

The Clerk read as follows:

For procuring manure, soil, tools, fuel, purchasing trees, shrubs, plants, and seeds; and for services, materials, and miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Gardens, under direction of the Joint Library Committee of Congress, \$6,500.

Mr. HARDWICK rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HARDWICK. Mr. Chairman, I rise to make the point of order against this paragraph, or I will reserve it if any gentleman wishes to discuss it. I do not think this is a continuing work. The question has already been argued in advance by two gentlemen who are opposed to my position in this matter, the gentleman in charge of the bill and the gentleman from Georgia [Mr. LIVINGSTON]. I do not care to submit any argument, but they did not convince me that this was a continuing work in the sense of the uniform rulings of all the occupants of the chair upon this question, and I therefore make the point of order.

Mr. LIVINGSTON. Mr. Chairman, I covered this a moment ago, but I want to repeat that procuring manure, soil, tools, fuel, and purchasing trees is an annual expense ever since the garden was established and an increasing annual expense ever since it has been established. If that is not continuing work, then I am sadly mistaken.

Mr. BURLESON. I will direct the Chair also to the fact that last year there were \$5,000 appropriated and \$1,000 in the deficiency bill also.

The CHAIRMAN. The paragraph against which this point of order is urged shows upon its face that it is for the purpose of improving and continuing a Government plant. It is in continuation of appropriations heretofore made for a public work and object in progress, and therefore within the exception to

the general prohibition found in the second clause of Rule XXI. The Chair therefore overrules the point of order.

The Clerk read as follows:

EXECUTIVE.

For compensation of the President of the United States, \$50,000.

Mr. HARDWICK. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of this bill if he can tell me in what part of this bill provision is made for the employee at the White House commonly known as the social secretary to the wife of the President of the United States?

Mr. LITTAUER. We have never taken up the exact employment of persons connected with the executive force employed at the White House. They are provided for on the recommendation of the President of the United States through his secretary. I have no doubt every one of that executive force is included in the next three paragraphs that will be read.

Mr. HARDWICK. I am asking the gentleman in all sincerity; I observe the hearings of the committee do not disclose the fact—that from the Executive Office appearing before the committee.

Mr. LITTAUER. It has been customary for committees on appropriations to take the wish of the President of the United States as their reason for the insertion of items in connection with the executive force of his own office.

Mr. HARDWICK. Does the gentleman know in point of fact whether or not any of the employees who are supposed to be assigned to the President's office, and who are included in this appropriation, perform the service of the official commonly known as "social secretary?"

Mr. LITTAUER. I do not know anything about it, but I should say, if I were President of the United States, I would want some one to take care of that duty.

Mr. HARDWICK. I am talking about the fact, not whether you would or would not; I am inquiring whether there is such an appropriation in this bill.

Mr. LITTAUER. Everyone who performs duty in connection with the executive work of the President, as far as the clerical force goes, is included in this bill.

Mr. HARDWICK. Is there provision for that sort of thing in this bill?

Mr. LITTAUER. What sort of thing?

Mr. HARDWICK. For the employment of a "social secretary" under the guise of a clerk.

Mr. LITTAUER. I do not know where the gentleman gets the designation of "social secretary;" it is not known to the law.

Mr. HARDWICK. I know it is not known to the law, but it is known as a fact. There is one clerk of class 4, four clerks of class 3. What about the one clerk of class 2? Do you know what duties are performed by that clerk?

Mr. LITTAUER. I do not; I have made no inquiry into the service connected with this force.

Mr. HARDWICK. And know nothing about it at all?

Mr. LITTAUER. Except they are recommended by the President through his secretary.

Mr. HARDWICK. Through his secretary? Did the secretary appear before the committee?

Mr. LITTAUER. He did not; but we have the recommendation in the Book of Estimates.

Mr. HARDWICK. Nobody comes, but the secretary of the President sends down a little note telling what he wants?

Mr. LIVINGSTON. I will answer the gentleman's question candidly. There was not a scintilla of evidence to show that Mrs. Roosevelt has a social clerk at \$1,400. I never heard of it until the committee had made up the bill, and I do not believe that there is a member of the Committee on Appropriations that had ever heard of it. Now, so far as we were concerned, we knew nothing about it then, and know nothing about it now. Whether it is true or not I do not know.

Mr. HARDWICK. I withdraw the amendment.

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Secretary, \$5,000; two assistant secretaries, at \$3,000 each; executive clerk, \$2,500; executive clerk and disbursing officer, \$2,000; seven clerks, at \$2,000 each; one clerk of class 4; one clerk of class 4, who shall be a telegrapher; four clerks of class 3; one clerk of class 2; steward, \$1,800; chief doorkeeper, \$1,800; eight doorkeepers, at \$1,200 each; four messengers, at \$1,200 each; five messengers, at \$900 each; watchman, \$900; one fireman; laborer, \$720; laborer, \$600; in all, \$66,340.

Mr. HARDWICK. I offer this amendment, and I desire to have it reported and then I will speak to it.

The Clerk read as follows:

Add after the word "dollars," at the end of line 21, page 33, the following: "Provided, That no part of this appropriation shall be used to pay the salary of any clerk who shall perform the duties of the

position or office commonly known as the 'social secretary' of the wife of the President of the United States or any service of that nature."

Now, Mr. Chairman, the New York papers have carried an article like this about this matter:

WASHINGTON, March 17, 1906.

Miss Isabelle L. Hagner, social secretary to the wife of the President, is a beneficiary of and the President the sponsor for an example of diversion of funds appropriated by Congress that is causing widespread resentment here. Miss Hagner is carried on the rolls at the White House under a contingent fund as a clerk at \$1,400 a year, while the appropriation contemplated no such use of the money.

Mrs. Fairbanks, wife of the Vice-President; Mrs. Bonaparte, wife of the Secretary of the Navy, and others pay their social secretaries out of their personal funds, but the wife of the President does not do so. There has been strong objection to the action of some of the Cabinet officials in diverting money from the uses for which it was appropriated, and now the abuse is found to exist in the White House itself. It is believed that some searching and pertinent questions will be asked on the floor when the appropriation bill comes up next week.

[Laughter.]

Mr. MANN. That refers to the gentleman, I suppose.

Mr. HARDWICK. I resent the imputation. I didn't know anything about it.

Mr. MANN. I do not understand that the gentleman resents the imputation that he could ask searching questions.

Mr. HARDWICK. I do not like the gentleman's manner about this thing.

Mr. MANN. If the gentleman does not want my manner, I will change it. There are a good many people who do not like the gentleman's manner about this bill, and I think if he would change it, it would meet the approval of the House.

Mr. HARDWICK. I have no doubt that some people who want this bill to go through just as it is would approve it. Their opinion is immaterial to me. I have offered this amendment because I do not think there is any law or any public sentiment that will authorize the wife of the President of the United States, not the President himself, to have a "social secretary" without paying for it out of her own pocket, and like all the Cabinet ladies. This has never been done before.

Mr. LITTAUER. Never been done?

Mr. HARDWICK. If it has ever been done I will withdraw this amendment. I understand it has never been done under any Administration before. If the gentleman can state it as a fact that any President of the United States has ever, no matter what political party he belonged to, had it done, I will withdraw my amendment.

Mr. LITTAUER. I am not advised as to the fact as to whether or not in the past there was a social secretary for the wife of the President of the United States provided for, but I have heard it stated that Mrs. Cleveland had from this very appropriation like service, and that it has been the custom at the White House for many years past to provide such clerical assistance out of this appropriation, and no one before has ever questioned the right to do so.

Mr. HARDWICK. If the gentleman would state that as a fact I would not insist upon this amendment. I have inquired diligently, with a view of finding out what the facts were, but have never found anybody who claimed that there had been such an officer before this Administration.

Mr. LITTAUER. I think I have stated what is substantially the fact, as substantially as any of the statements made by the gentleman here.

Mr. HARDWICK. On what basis?

Mr. LITTAUER. On rumor. What is your statement of fact based on?

Mr. HARDWICK. I have asked two or three of the Members here—the old Members. The gentleman seems to be inclined to be facetious about this thing, but I am in earnest.

Mr. LITTAUER. I am in earnest, and trust the committee is also.

Mr. HARDWICK. If this be true, it is not right.

Mr. BURLESON. I would like to ask the gentleman what paper he read that from?

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Ohio.

Mr. GROSVENOR. I hope the gentleman from Georgia will not only withdraw his proposition, but will take back all he has said on the subject. He is a Member of the Congress of the United States. He is speaking in the hearing of the whole world. The American people are maintaining a very moderate and modest establishment known as the "White House." They are maintaining the President and certain secretaries and clerks for the convenient and orderly management of the business of that representative institution. It is the most modest in the expenditure of any country's executive office known as a respectable country in the world; modest in all respects, carefully administered; and this is the first time, I believe I may say, in the whole history of the country that anybody has

undertaken to criticize the expenditures of this clerical force at the White House and to place a limit upon the uses that the small force there may be put to.

I do not know a thing in the world about it so far as the necessity for clerical aid for the wife of the President is concerned. I know that there devolves upon the wife of the President a large volume of social duties, duties that she owes to the American people, duties that she owes to the women of America, official social duties, just as much incumbent upon her as the duties of the President are incumbent upon him. Is the American Congress willing to say: "Out of this pittance of appropriation we will guard against the possibility of that lady having a clerk to assist her in the performance of these social obligations?" The wife of the gentleman from Georgia, if he has a wife, and all our wives would feel offended if there should be neglect of those duties; and now that the gentleman is entering, as I hope, upon a political career, I beg him that he will not allow himself to be marked and pointed to in future as the man who undertook to say that the wife of the President should not have the use of a clerk in the White House. To me it is almost the most shocking thing that I have ever heard on the floor of this House, and the gentleman says he is in earnest about it. Does he reflect that the American people do not inquire into the details of the family relation of the President of the United States to public affairs? Does he reflect that we look upon the wife of the President as a part of the Government of the United States, as it were, and that we are careful in America not to impugn the motives or purposes of the gracious and beloved lady of the White House, the first lady of the land? Not alone in her exalted position, but also in the place she has won by her graceful and lovely bearing to the people who have had the honor of her acquaintance and have observed her bearing toward all. I hope the gentleman will withdraw his amendment, and we will all of us testify to the people of the country that it was the mere joke of a young man, and that he meant nothing by it. [Prolonged applause.]

Mr. HARDWICK rose.

The CHAIRMAN. The gentleman from Georgia having once spoken to his amendment, can only speak again to it by unanimous consent.

Mr. FITZGERALD. I hope the amendment of the gentleman from Georgia will not be adopted. I regret that it has been offered, the more so because it may be imagined that an attempt has been made to impugn the integrity of some member of the President's family. As the gentleman from Ohio [Mr. GROSVENOR] has well said, the President's family has certain social obligations which come from his occupancy of the White House. His wife is compelled to participate in certain functions because she is the wife of the President, and services are required in connection therewith which properly belong to the force of the Executive office and must necessarily be done by the clerks there. I have no doubt that some clerk has been particularly assigned to perform the duties that come from these circumstances, and it may be that such clerk has been designated as the social secretary of the President's wife. I would be in favor of appropriating specifically for a clerk under that title, if such a clerk be necessary. [Applause.] I would do that for more than one reason, but particularly because in my opinion the salary of the President of the United States is not at all commensurate with the position he occupies. [Applause.] And if we will not give him the compensation that we should give him, we at least should prevent his salary being taxed for services required because of his official position, and because of the fact that his wife is required to perform certain duties arising from her relation to the President and the obligations of the office, the help needed should be freely given.

Mr. HARDWICK. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. HARDWICK. If that is true, why is not the wife of every Cabinet minister entitled to have a social secretary? Do they not also have social duties to the American people? And why, in a smaller degree, does not the thing go all down through official life?

Mr. FITZGERALD. Perhaps it might. I might have a social secretary, the gentleman from Georgia might have one, but nobody thinks that we need them. I am sure I do not; but the President of the United States is compelled during the year to entertain the representatives of foreign nations; and not only the officials themselves, but the members of their families. Every man who has been elected President of the United States has not been so fortunate as to have been familiar with the requirements and fine distinctions to be observed in official entertainment, and it would be most unfortunate if he and the

members of his family could not obtain the services of somebody who, by reason of special training, has become expert in such matters. Sometimes very grave offense may be given to representatives of foreign governments because of a failure to observe distinctions that are considered important by them. If I had my way, I would place in this bill, so that there would be no mistake, so that there would be no ground for criticism, a clerk to be known as the "social clerk."

Mr. LITTAUER. Do you not think we would have a point of order against it if it was placed in the bill?

Mr. FITZGERALD. I said if I had my way, which unfortunately for the country, is not the way of the House. [Laughter.] If I had my way, I would give this clerk—and not one, but as many as were deemed necessary—so that all of the functions at the White House, official and otherwise, might be conducted in a manner that would meet with the admiration and commendation of the entire American people.

Again, I express regret that the gentleman from Georgia has offered this amendment. He did not intend it in that way, but some unthinking people might believe that a reflection is involved upon the occupant of the White House. While nobody has been more free in criticising the present occupant of the White House for what I believe to be political and official, I hope that nobody has been more free from offering criticism on matters which are not the proper subjects of our criticism and which, in my opinion, we can well keep silent about. So I hope the gentleman from Georgia will accept the suggestion of the gentleman from Ohio, just to prevent any misconception of what was intended, and withdraw this amendment; and if necessary, that he himself will offer to add to this bill a provision for a clerk to perform whatever duties are required by reason of the social functions at the White House. [Applause.]

Mr. HARDWICK. Mr. Chairman, I move to strike out the last word. While I appreciate the difference of age and experience in this House between the distinguished gentleman from Ohio [Mr. GROSVENOR] and myself, I do not propose to allow him to lecture me about this thing. He may as well realize that. While I appreciate the kindly advice of the gentleman from New York [Mr. FITZGERALD], I want to say that neither one of them, nor both of them, nor all the Members of this House, can put me in a false attitude about this amendment. We are talking about appropriations. If to object to them, if to say that a certain appropriation is not right, involves a reflection on the person who is to get the benefit of the appropriation, I will have to submit.

But, Mr. Chairman, the people of the country will never take it that way. We are appropriating the money of the people out of the Treasury of the United States. I am not attacking anybody. I come from a section of the country where nobody but a dastard and a scoundrel attacks a woman, and God knows I will not yield to anyone in my respect for the first lady of the land. [Applause.]

While I discuss a legislative question, the question of appropriating something, or taking the people's money out of the Treasury of the United States, I have not in my heart, and have not in my head, the slightest intention of reflecting on the lady at the other end of this Avenue. Not at all. I do not know that she knows anything about this; in all human probability she does not. This appropriation is in this bill, and has been allowed for some time, in an indirect way, as I am informed; and I do say that if the people of the United States wish to appropriate money in that way it would be more manly, as the gentleman from New York suggests, to vote for it straight; let us do it directly and know what we are doing, and let the people know.

Now, if any Member on the other side will show me, or state to me of his own knowledge, that in any other Administration an appropriation like this has ever been made, I will withdraw the amendment with an apology, not for a wrong intention, for there is none, but for a mistake of fact. I claim that this appropriation ought not to be made. No such appropriation is made to Cabinet officers and other people who have social duties imposed upon them by official station. It is true that this lady, by her distinguished position, has more of those duties than anybody else, but how long will it be before we will be appropriating for "social secretaries," for Cabinet ministers, and pretty soon for Senators, I expect, and possibly for Representatives, and who can tell where it will end? I think every public officer who desires his wife to have a "social secretary" should foot the bill out of his own pocket.

I insist, Mr. Chairman, on my amendment, and I will not be misrepresented; I will not be put in a false attitude by anybody, be he old or young, Democrat or Republican.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word for the purpose of holding a colloquy with the gentleman from New York in charge of the bill. It is now 9 minutes after 5 o'clock, and I would inquire of the gentleman if he can not move that the committee do now rise?

Mr. LITTAUER. Mr. Chairman, I will adopt the suggestion of the gentleman from Mississippi and move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16472—the legislative, executive, and judicial appropriation bill—and had directed him to report that that committee had come to no resolution thereon.

CONSULAR SERVICE, UNITED STATES.

The SPEAKER laid before the House the bill (S. 1345) to provide for the reorganization of the consular service of the United States, with House amendment.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do insist on its amendment and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, that the House insist upon its amendment and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. ADAMS of Pennsylvania, Mr. DENBY, Mr. TOWNE.

WESTERN JUDICIAL DISTRICT OF TEXAS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In view of the following report from the Acting Attorney-General, I return herewith without approval House bill No. 8977:

"I have received your letter of March 12, inclosing H. R. 8977, entitled 'An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes,' and asking to be informed whether I know of any objections to its approval.

"I wired Judge Maxey, as follows:

"Congress has passed bill constituting counties Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos a division of western judicial district, and providing that terms of United States courts shall be held twice each year at Del Rio. In order that I may properly advise the President, please wire me your opinion touching necessity for proposed legislation.

"He has replied as follows:

"In my judgment there is no necessity whatever for a court at Del Rio. All business originating in that vicinity may be easily and expeditiously transacted at San Antonio, I think, with as little expense as at Del Rio."

"In response to the following inquiry:

"Please wire me immediately how many cases, civil and criminal, respectively, from the counties of Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos were instituted in the Federal courts in each of the five years last past—"

"The clerk of the court at San Antonio advises me:

"Business originating in counties Uvalde, Zavalla, Maverick, Kinney, Valverde for years 1901, 1902, 1903, 1904, and 1905, as follows: Criminal, sixty-four. For following offenses: Smuggling and receiving smuggled property, fifty-one; willfully destroying Government property, one; resisting customs officer, one; purchasing Government property, three; importing women, purpose prostitution, two; importing foreign labor, two; pension violation, one; being unlawfully in the United States, two; violation immigration laws, one; seizures on land (information in rem) nine; bankruptcy, nine; circuit law cases, seven; bills in equity, five. Pecos and Terrell, latter recently organized from Pecos, not included in this statement for reason that deputy El Paso recently died and man in charge not sufficiently familiar with records to furnish data, but in fact few cases arose in those counties—not exceeding six for period mentioned."

"I have given this matter careful consideration, have heard what the author and advocates of the bill have to say in its favor, and have also given consideration to a communication from Mr. SLAYDEN, who represents the district including San Antonio, and who opposes it.

"I am thoroughly persuaded that there is no necessity for what the bill proposes and that it should not, in the interest of the public service, become a law.

"Del Rio is a small place on the frontier and the surrounding country is sparsely settled.

"It appears that during the last five years there originated in the seven counties proposed to be included in the new division sixty-four criminal and twenty-six civil cases, most of them in the county of Maverick, in which Eagle Pass lies. This makes a yearly average of, say, thirteen criminal and five civil cases. It appears to me wholly unjustifiable to establish sessions of courts to try such a limited number of cases.

"The data furnished to this Department shows that in the last eighteen months there originated in the district included in the proposed new division eight civil and twenty-three criminal cases, of which sixteen criminal and seven civil originated in the county of Maverick.

"It is not much more inconvenient for the cases from Maverick County to go to San Antonio than to Del Rio. I do not think there is any necessity for the new division at all, but if conditions should at any time warrant another division obviously the court should be held at Eagle Pass.

"There will not be enough business in the courts at Del Rio to pay

for the time of a capable deputy clerk, which the bill requires shall be stationed there. The public service is hurt very materially when the court records are inefficiently kept. Moreover, the creation of the new division will affect the income of the clerk at San Antonio and thereby impair the efficiency of that office."

THEODORE ROOSEVELT.

THE WHITE HOUSE, March 22, 1906.

Mr. FOSTER of Indiana. Mr. Speaker, I move that the veto, with the papers, be referred to the Committee on the Judiciary. The SPEAKER. The question is on the motion of the gentleman from Indiana.

The question was taken, and the motion was agreed to.

NATIONAL BANK LOANS ON REAL ESTATE.

Mr. GILLESPIE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. GILLESPIE. To ask unanimous consent to file the minority views on the bill H. R. 8124.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8124) to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on real estate as security, and limiting the amount of such loans.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. GOLDFOGLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. I desire to have a change of reference of a bill for the pensioning of Thomas C. Hughes. By mistake it was referred to the Committee on Invalid Pensions, and I ask that it be referred to the Committee on Pensions, where it properly belongs.

The SPEAKER. Under the rule, change of reference of private bills must be made through the basket.

By unanimous consent, the Committee on Private Land Claims was discharged from the further consideration of the bill (S. 952) to authorize a patent to be issued to Stephen Teichner for certain lands therein described, and the same was referred to the Committee on the Public Lands.

The Committee on Private Land Claims was also discharged from the further consideration of the bill (S. 2450) for the relief of settlers upon the abandoned Fort Rice Military Reservation, and the same was referred to the Committee on the Public Lands.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cohansey River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of a bill to amend section 2381, Revised Statutes—to the Committee on the Public Lands.

A letter from the Secretary of State, recommending the passage of a bill for the relief of the Campagne Française des Câbles Télégraphiques—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, drafts of bills regulating the navigation of rafts in tow—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House H. R. 16554, reported in lieu thereof a bill (H. R. 17135) providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select from the public domain in lieu thereof, accompanied by a report (No. 2474); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4046) to

incorporate The Edes Home, reported the same without amendment, accompanied by a report (No. 2475); which said bill and report were referred to the House Calendar.

Mr. GAINES of Tennessee, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4546) ceding to the city of Canon City, Colo., certain lands for park purposes, reported the same with amendment, accompanied by a report (No. 2476); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11862) authorizing the Secretary of the Interior to issue patents in fee to various missionary institutions in the Territory of Oklahoma, reported the same with amendment, accompanied by a report (No. 2477); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 16133) to simplify the issue of enrollments and licenses of vessels of the United States, reported the same without amendment, accompanied by a report (No. 2479); which said bill and report were referred to the House Calendar.

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16957) authorizing the Secretary of the Interior to purchase and improve certain lands for Indians in California, reported the same with amendment, accompanied by a report (No. 2481); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the House joint resolution (H. J. Res. 124) directing the Secretary of the Interior to allot certain lands to certain Indians, reported the same with amendment, accompanied by a report (No. 2482); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5335) providing for rank and pay for certain retired officers of the Navy, reported the same without amendment, accompanied by a report (No. 2484); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HIGGINS, from the Committee on the Territories, to which was referred the bill of the Senate (S. 267) to prohibit aliens from fishing in the waters of the district of Alaska, reported the same with amendment, accompanied by a report (No. 2485); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned, reported the same without amendment, accompanied by a report (No. 2472); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14993) granting an increase of pension to Riley M. Smiley, reported the same without amendment, accompanied by a report (No. 2478); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16190) granting an increase of pension to J. T. Caskey, reported the same with amendment, accompanied by a report (No. 2480); which said bill and report were referred to the Private Calendar.

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5504) for the relief of Jesse Elliott, reported the same without amendment, accompanied by a report (No. 2483); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 17126) to promote the effi-

ciency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CUSHMAN: A bill (H. R. 17127) to provide for the subdivision and sale of certain lands in the State of Washington—to the Committee on the Public Lands.

By Mr. GREENE: A bill (H. R. 17128) to reduce the ravages of the dogfish and to create a market for such fish—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: A bill (H. R. 17129) to equip vessels with better life-preserving appliances—to the Committee on Interstate and Foreign Commerce.

By Mr. LAW: A bill (H. R. 17130) to establish a division of photo-engraving and printing in the Government Printing Office—to the Committee on Printing.

By Mr. ACHESON: A bill (H. R. 17131) providing for the employment of letter carriers at every post-office which produced a gross revenue for the preceding fiscal year of not less than \$5,000—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: A bill (H. R. 17132) to repeal and reenact with amendments section 5203 of chapter 3 of the Revised Statutes of the United States; title, "National banks;" subtitle, "Regulation of the banking business"—to the Committee on Banking and Currency.

By Mr. BARTLETT: A bill (H. R. 17133) to amend section 558 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. THOMAS of North Carolina: A bill (H. R. 17134) to authorize a survey of Bay River, Pamlico County, N. C.—to the Committee on Rivers and Harbors.

By Mr. DIXON of Montana, from the Committee on the Public Lands: A bill (H. R. 17135) providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected, and select other lands from the public domain in lieu thereof—to the Union Calendar.

By Mr. GILL: A bill (H. R. 17136) to authorize the Secretary of Commerce and Labor to designate, upon request of the governor of the State of Maryland, such officers of the Bureau of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to cooperate with the board of shellfish commissioners of the State of Maryland in making a true and accurate survey of the natural oyster beds, bars, and rocks in the waters of the State of Maryland; and to furnish such instruments and appliances as may be necessary in making such survey from the Bureaus aforesaid, and to make from said surveys such plats, in the Bureau aforesaid, as may be requisite as full and complete evidence of said survey and of the location of said natural oyster beds, bars, and rocks—to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 17137) providing for the increase of the salaries of the district attorney for the district of Idaho and the United States marshal for the district of Idaho—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: A bill (H. R. 17138) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts (by request): A bill (H. R. 17139) to promote the efficiency of the public service—to the Committee on Reform in the Civil Service.

By Mr. POUL: A bill (H. R. 17140) to provide for the enlarging of the United States post-office building at Raleigh, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. CASSEL: A bill (H. R. 17141) to reimburse the State of Pennsylvania for money expended in 1864 for military called into the military service by the governor under the proclamation of the President of June 15, 1863—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17142) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies and associations—to the Committee on the District of Columbia.

By Mr. WILLIAMS: A resolution (H. Res. 371) to fix a date for the consideration of H. R. 14316—to the Committee on Rules.

By Mr. TALBOTT: A resolution (H. Res. 373) for the appointment of Charles H. Mann, superintendent of the reporters' gallery of the House—to the Committee on Accounts.

By Mr. HUGHES: A resolution (H. Res. 374) providing for the printing of 1,000 additional copies of House Document No. 326, Fifty-sixth Congress, first session, and House Document No. 235, of the Fifty-sixth Congress, second session—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 17143) granting an increase of pension to William Taylor—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 17144) granting an increase of pension to Jesse Wiley—to the Committee on Pensions.

By Mr. BOWIE: A bill (H. R. 17145) granting a pension to Ira Campbell—to the Committee on Pensions.

By Mr. BRANTLEY: A bill (H. R. 17146) for the relief of James I. Fountain, of Mount Vernon, Montgomery County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 17147) granting an increase of pension to John I. Blanchard—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 17148) granting an increase of pension to Frances M. McMahon—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 17149) for the relief of the heirs of James A. Galbreath—to the Committee on Claims.

Also, a bill (H. R. 17150) granting a pension to George W. Gaby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17151) granting a pension to William T. Morgan—to the Committee on Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 17152) granting an increase of pension to George W. Williams—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 17153) for the relief of Arthur B. Huff—to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 17154) to amend the military record of Richard J. Huntoon and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 17155) granting a pension to Esther Crane—to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 17156) for the relief of Roman Scholter—to the Committee on Claims.

By Mr. DE ARMOND: A bill (H. R. 17157) for the relief of R. L. Foster, surviving partner—to the Committee on War Claims.

By Mr. DICKSON of Illinois: A bill (H. R. 17158) granting a pension to Elvira Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17159) granting an increase of pension to John Able—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17160) to remove the charge of desertion from the record of Herman Kneoffer—to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 17161) granting a pension to Lafayette Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17162) granting an increase of pension to Scott Ruddick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17163) granting an increase of pension to George R. McKay—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: A bill (H. R. 17164) for the relief of George Herbert—to the Committee on Claims.

By Mr. DUNWELL: A bill (H. R. 17165) granting an increase of pension to Sophie Pohlrs—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 17166) for the relief of Nancy Bobbit—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 17167) granting an increase of pension to Lafayette Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17168) granting an increase of pension to Elizabeth W. Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17169) granting an increase of pension to Zeno F. Davis—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 17170) granting an increase of pension to Jackson D. Turley—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 17171) granting an increase of pension to David H. Parker—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 17172) granting an increase of pension to John Short—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17173) granting an increase of pension to Thomas J. Davis—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 17174) granting an increase of pension to Nathaniel C. Sawyer—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 17175) granting an increase

of pension to Andrew E. Kinney—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 17176) for the relief of John A. Herrod—to the Committee on War Claims.

Also, a bill (H. R. 17177) for the relief of Louis Nelson, administrator of the estate of Samuel B. Nelson—to the Committee on War Claims.

Also, a bill (H. R. 17178) for the relief of the heirs of Thomas Hord—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 17179) authorizing the Secretary of the Interior, in his discretion, to sell and patent to the Big Bend Transit Company certain lands of the Spokane Indian Reservation, State of Washington—to the Committee on Indian Affairs.

Also, a bill (H. R. 17180) granting a pension to Ansil S. Marble—to the Committee on Pensions.

By Mr. KEIFER: A bill (H. R. 17181) granting an increase of pension to Leonard Dellinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17182) granting an increase of pension to Henry E. Fultz—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 17183) granting a pension to Agnes S. Ball—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 17184) to remove the charge of desertion from the military record of Thomas T. Inslee—to the Committee on Military Affairs.

By Mr. MCKINLAY of California: A bill (H. R. 17185) granting a pension to J. J. Winkler—to the Committee on Pensions.

By Mr. MCGUIRE: A bill (H. R. 17186) granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1, west of the Indian meridian, in Kay County, Oklahoma Territory—to the Committee on the Territories.

By Mr. OLMSTED: A bill (H. R. 17187) granting an increase of pension to Fannie Hunt Gibson—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 17188) for the relief of Gwinthlean Macrae Robinson—to the Committee on Claims.

By Mr. RHINOCK: A bill (H. R. 17189) for the relief of the Forty-first Kentucky Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 17190) for the benefit of John W. Kirby, late sheriff of Gallatin County, Ky.—to the Committee on Claims.

Also, a bill (H. R. 17191) granting an increase of pension to Marie Roth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17192) to correct military record of John Crawford—to the Committee on Military Affairs.

By Mr. RHODES: A bill (H. R. 17193) granting an increase of pension to Edward Thompson—to the Committee on Pensions.

Also, a bill (H. R. 17194) granting an increase of pension to Jennie White—to the Committee on Pensions.

By Mr. RIVES: A bill (H. R. 17195) for the relief of Richard Isaacs—to the Committee on Military Affairs.

By Mr. ROBINSON of Arkansas: A bill (H. R. 17196) for the relief of the heirs of John G. Freeman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17197) to correct the military record of Albert I. Merrill—to the Committee on Military Affairs.

By Mr. SAMUEL: A bill (H. R. 17198) extending the term of patent No. 393848—to the Committee on Patents.

By Mr. SCROGGY: A bill (H. R. 17199) granting an increase of pension to John Lafferty—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 17200) for the relief of the estate of Frances B. Elliott—to the Committee on Claims.

Also, a bill (H. R. 17201) for the relief of the estate of Sarah B. Field—to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 17202) granting an increase of pension to Benjamin H. Cool—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17203) for the relief of Lizzie De Graffenreid, widow of Jasper N. De Graffenreid—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 17204) granting a pension to Sarah E. Robey—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 17205) granting a pension to Alice Garvey—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 17206) granting an increase of pension to Lawrence Grooms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17207) granting an increase of pension to James D. Bradley—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 17208) to correct the military record of Thomas Casey, enlisted as Thomas Claney—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 17209) granting an increase of pension to Alva D. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17210) granting an increase of pension to Daniel Vertner—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11510) granting an increase of pension to Joseph S. Larrance—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1641) for the relief of Rev. George W. C. Smith—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4718) granting a pension to Cornelia S. Swaine—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Cloverton, Ind. T., for statehood—to the Committee on the Territories.

Also, petition of Walter M. Stein, for bill H. R. 7006 (the Mondell bill)—to the Committee on Mines and Mining.

Also, petitions of citizens of Oklahoma and Indian Territory, for statehood—to the Committee on the Territories.

Also, petition of citizens of Indian Territory, against joint statehood of Oklahoma and Indian Territory—to the Committee on the Territories.

Also, petition of citizens of New York State, for consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mills & Gibb, for Government regulation of quarantine of the Gulf ports—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive council of the American Federation of Labor, for redress of certain enumerated grievances—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of the Women's Club of Beaver, Pa., for investigation of the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of James W. Ellsworth & Co., of Cleveland, Ohio, for an appropriation to continue the work of the United States Geological Survey at the fuel-testing plant at St. Louis—to the Committee on Appropriations.

Also, petition of the Beaver Trust Company, for bill H. R. 8773—to the Committee on Banking and Currency.

Also, petition of the Woman's Club of New Brighton, Pa., for the Norris law regarding forest reservations—to the Committee on Agriculture.

Also, petition of the Woman's Club of New Brighton, Pa., for forest reservations in the White Mountains—to the Committee on Agriculture.

Also, petition of the Woman's Club of New Brighton, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. ADAMS of Pennsylvania: Petition of citizens of Philadelphia, against the conditions prevailing in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the faculty of Bryn Mawr College, for works of art on the free list—to the Committee on Ways and Means.

Also, petition of the Civic Club of Philadelphia, for forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. ALLEN of Maine: Petition of John Ward and 155 others, for the Senate amendment to the statehood bill—to the Committee on the Territories.

Also, petition of W. G. McKern and 8 others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARCHFELD: Petition of Dr. T. R. Miller, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Japanese and Korean Exclusion League, for the Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

Also, petition of the H. K. Mulfers Company, for bill S. 88—to the Committee on Interstate and Foreign Commerce.

Also, petition of the faculty of Bryn Mawr College, for bill H. R. 15268—to the Committee on Ways and Means.

Also, petition of the McKees Rocks Veterans' Association, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Thomas Winsmere, favoring the Littlefield bill (H. R. 5281)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Walter H. Williams, opposing certain features in the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Holdt & Cummings, Stetson & Winsmere, and the Vessel Owners and Captains' Association, all of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of 10,000 people of Tulsa, Ind. T., for statehood—to the Committee on the Territories.

By Mr. BARTLETT: Petition of W. B. Matthews, jr., et al., to amend section 558 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of Pomona Grange, Erie, Pa., for the oleomargarine law as it is—to the Committee on Agriculture.

Also, petition of the Commercial Club of Comanche, Ind. T., for admission as a State—to the Committee on the Territories.

Also, petition of Thomas Winsmore, of Philadelphia, Pa., for the Littlefield bill (H. R. 5281)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. F. Downing, of Erie, Pa., for statehood for Oklahoma—to the Committee on the Territories.

Also, petition of the State Federation of Women, of Union City, Pa., for forest reservations—to the Committee on Agriculture.

Also, petition of the Corry Humane Society, for a better law for the transportation of cattle—to the Committee on Interstate and Foreign Commerce.

Also, petition of the officers of Bryn Mawr College, for art works duty free—to the Committee on Ways and Means.

Also, petition of the Erie Chamber of Commerce, for the Gallinger bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the H. K. Mulford Company, of Philadelphia, Pa., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Petition of citizens of Oklahoma, for the Senate amendment to the statehood bill—to the Committee on the Territories.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Isaac W. Musser (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of James H. Warford (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BISHOP: Petition of Henry Finly et al., for statehood for Oklahoma and Indian Territory—to the Committee on the Territories.

By Mr. BOWERSOCK: Petition of citizens of Kibley, Okla., for statehood—to the Committee on the Territories.

Also, petition of citizens of Arlington, Okla., for statehood—to the Committee on the Territories.

By Mr. BRANTLEY: Paper to accompany bill for relief of John Blanchard—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James S. Fountain—to the Committee on War Claims.

By Mr. BROOKS of Colorado: Petition of the Glenwood Post, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURGESS: Petition of the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURKE: Petition of the Japanese and Korean Exclusion League, for the Chinese law as it is—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Paper to accompany bill for relief of Charles A. Chase—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: Petition of Alexander Winton et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of the State Federation of Pennsylvania Women, for the Morris law regarding forest reservations—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the General Federation of Women's Clubs,

for scientific investigation into the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of the State Federation of Pennsylvania Women, for a forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Benjamin Francis—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Petitions of the Salina Union, H. S. Montgomery, the Enterprise, the Democrat, the Publishers' League, and the Students' Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Dames of 1846, for increase of pension for Mexican-war veterans—to the Committee on Pensions.

Also, petition of J. B. Sager, Davidson & Co., S. M. Engler, Walter Starcke, and the Morganville Mill Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL of Ohio: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CLARK: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. CURTIS: Petition of the Signal and the Daily Eclipse, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Indian Territory, for the Senate amendment to the statehood bill—to the Committee on the Territories.

By Mr. DARRAGH: Petition of citizens of Michigan, against the bill for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Garfield Grange, No. 1106, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DAVIDSON: Petition of the Trades Council of Oshkosh, Wis., against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Musicians' Union, for bill H. R. 8748—to the Committee on Naval Affairs.

Also, petition of citizens of Oshkosh, Wis., for metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of Power Boat Club of Oshkosh, Wis., for bill to license operators of motor boats—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of the Master House Painters and Decorators of Massachusetts, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Master House Painters and Decorators of the United States, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Outlook Club of Iowa, for inquiry into the industrial condition of woman in the United States—to the Committee on Appropriations.

By Mr. DOVENER: Petition of the Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Greenwich Woman's Christian Temperance Union, for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. DRESSER: Petition of citizens of Pennsylvania, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ESCH: Petition of the Caddo Statehood Club, for the statehood bill—to the Committee on the Territories.

By Mr. FLETCHER: Petition of citizens of Minnesota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLOOD: Petition of Unionville Council, No. 157, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Columbia Council, No. 52, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FLOYD: Petition of citizens of Arkansas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of W. P. Langston, for additional courts, etc., in Indian Territory—to the Committee on Indian Affairs.

Also, paper to accompany bill for relief of Henrietta Hull—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Japanese and Korean Exclusion League, for the Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

Also, petition of Haldt & Cummings, Stetson & Winsmore, and the Vessel Owners and Captains' Association, all of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. HASKINS: Petition of Craftsbury Grange, No. 269, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Orchard City Grange, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of Cyrus H. Walker, of Albany, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Farnsworth Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of citizens of Baker City, Oreg., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Leslie Smith—to the Committee on Military Affairs.

By Mr. HOWELL of Utah: Petition of citizens of Utah, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of D. Landworth Seed Company, of Bristol, Pa., against the free-seed distribution—to the Committee on Agriculture.

Also, petition of W. F. Massey, of the Practical Farmer, Philadelphia, against free-seed distribution—to the Committee on Agriculture.

Also, petition of the International Association of Master House Painters and Decorators of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the H. K. Mulford Company, for amendment to bill (S. 88) to clearly define the term "poisonous substances"—to the Committee on Interstate and Foreign Commerce.

Also, petition of the officers of Bryn Mawr College, for bill H. R. 15268—to the Committee on Ways and Means.

Also, petition of the Buffalo Chamber of Commerce, for the Gallinger bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Beaver Refining Company, of Washington, Pa., against discrimination adverse to independent refiners—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles T. Meger & Co., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cranberry Grange, for the Grange good-roads bill—to the Committee on Agriculture.

Also, petition of Cranberry Grange, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cranberry Grange, for retention of the tax on imitation butter—to the Committee on Agriculture.

Also, petition of Cranberry Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Haldt & Cummings, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Thomas Winsmore, Stetson & Winsmore, and the Vessel Owners and Captains' Association, all of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: Petition of the Superior Tedinde, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KENNEDY: Petition of the Farm Magazine Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAW: Paper to accompany bill for relief of James H. Stevens—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the postmaster of New York City, for the pneumatic-tube system in the post-office—to the Committee on the Post-Office and Post-Roads.

Also, petition of Caddo Statehood Club, for the Senate amendment to the statehood bill—to the Committee on the Territories.

Also, petition of Richey, Brown & Donald, for bill H. R. 11936—to the Committee on the Post-Office and Post-Roads.

Also, petition of the J. B. Colt Company, for Federal quarantine in the Gulf ports and for the Williams and Mallory bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Maine, against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MANN: Petition of the East Buffalo Live Stock Association, for extension of the twenty-eight-hour law relative to live stock in shipment—to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Master House Painters and Decorators of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Chicago, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Chamber of Commerce of Buffalo, N. Y., for the Gallinger bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. MARSHALL: Petition of citizens of North Dakota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLER: Petition of citizens of Kansas, against Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. MOUSER: Petition of Wyandott Grange, No. 541, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of citizens of Wisconsin, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Star of Oberlin Council, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of Frank M. Dooley—to the Committee on Invalid Pensions.

By Mr. PALMER: Petition of Washington Camp, No. 234, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of John T. Jones et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PAYNE: Petition of the Methodist Episcopal Church of Clifton Springs, against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of the Register and the Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RHINOCK: Paper to accompany bill for relief of John Crawford—to the Committee on Military Affairs.

By Mr. RIVES: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ROBERTSON of Louisiana: Petition of the True Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the Chamber of Commerce of Buffalo, N. Y., for the Gallinger bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the International Association of Master House Painters and Decorators of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SCHNEEBELI: Petition of Seatington Council, No. 216, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the faculty of Bryn Mawr College, for bill H. R. 15268—to the Committee on Ways and Means.

Also, petition of bankers, merchants, citizens, etc., for revocation of the post-office fraud order—to the Committee on Rules.

Also, petition of the Civic Club of Easton, Pa., for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of Stetson & Winsmore, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Board of Trade of Philadelphia, for a forest-reservation law—to the Committee on Agriculture.

Also, petition of the Commercial League of South Bethlehem, Pa., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas Winsmore, of Philadelphia, Pa., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles Chapman's Sons, of Easton, Pa., against reduction of the tariff on hosiery—to the Committee on Ways and Means.

Also, petition of Dr. C. M. McIntire, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Vessel Owners and Captains' Association of Philadelphia, Pa., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Holdt & Cummings, of Philadelphia, Pa., favoring bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCROGGY: Paper to accompany bill for relief of Daniel Craig—to the Committee on Invalid Pensions.

Also, petition of American Pad and Textile Company, against the Gilbert bill—to the Committee on the Judiciary.

Also, petition of the International Association of House Painters and Decorators, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the American Pad and Textile Company, for the Senate amendment to the statehood bill—to the Committee on the Territories.

Also, petition of J. L. H. Barr, of the Cement Association, for continuance of Government investigation of structural material—to the Committee on Appropriations.

Also, petition of the Ford Seed Company, against free distribution of seeds—to the Committee on Agriculture.

Also, petition of the General Federation of Women's Clubs, to investigate the industrial conditions of women in the United States—to the Committee on Appropriations.

By Mr. SHACKLEFORD: Petition of citizens of Missouri, for statehood for Oklahoma and Indian Territory—to the Committee on the Territories.

By Mr. SMITH of Maryland: Petition of the Master House Painters and Decorators of Massachusetts, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. SNAPP: Petition of citizens of Illinois, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the Patrol, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of citizens of Stillwater, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of the Philadelphia Board of Trade, favoring the Interstate Commerce Commission as the adjuster of railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of House Painters and Decorators, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of John Young, against free seed distribution—to the Committee on Agriculture.

Also, petition of the State Charities Association, for the pure food and drug bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Consumers' League, for the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union, for making battle ships at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of the Confederate Southern Memorial Association, for care of graves of Confederate dead—to the Committee on Military Affairs.

Also, petition of the Joint Commission of the Brooklyn Navy-Yard, for the construction of battle ships there—to the Committee on Naval Affairs.

Also, petition of the Phoenix National Bank, for bill H. R. 15846—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. Gottlieb & Son, for bill H. R. 11936—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Douglas Manufacturing Company, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Manufacturers' Association of New York, against the Gilbert bill—to the Committee on the Judiciary.

Also, petition of Edward J. Wheeler, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of New York, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the American Wine Growers' Association, for the pure-wine bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of James H. Williams, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Marine Trades Council of New York, for battle-ship building at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of the Japanese and Korean Exclusion League, for the Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

Also, petition of J. B. Colt & Co., for Government quarantine for the Gulf ports—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of North Carolina: Petition of citizens of North Carolina, for an appropriation to improve navigation of Bay River—to the Committee on Rivers and Harbors.

By Mr. TIRRELL: Petition of Framingham Grange, No. 113, and Littleton Grange, No. 188, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. VAN WINKLE: Petition of the Newark Board of Trade, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Bayonne Daily Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBB: Paper to accompany bill for relief of David C. Lamb—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Patterson Reise—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Sheltan—to the Committee on Military Affairs.

By Mr. WEEKS: Petition of Sherborn Grange, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

SENATE.

FRIDAY, March 23, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of *M. T. Swick v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims,* transmitting a certified copy of the findings of fact filed by the court in the cause of *The Cumberland University, of Lebanon, Tenn., v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 1345) to provide for the reorganization of the consular service of the United States, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMS of Pennsylvania, Mr. DENBY, and Mr. TOWNE, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 1056. An act granting a pension to Galon S. Clevenger;
H. R. 4736. An act for the relief of the county of Custer, State of Montana;

H. R. 9216. An act granting an increase of pension to Catharine R. Mitchell;

H. R. 13194. An act to authorize the Secretary of the Interior to reclassify the public lands of Alabama;

H. R. 15583. An act to authorize the Madison Bridge Company to construct a bridge across the St. Francis River, in St.